

# EXHIBIT 2 – Cont'd

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A P P E A R A N C E S:

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I N D E X

WITNESS:

PAGE:

MIKE ELLIOT

Direct Examination by Mr. Waddell

1 MARTINSBURG, WEST VIRGINIA

2 MONDAY, APRIL 5, 2010

3  
4 P R O C E E D I N G S

5 Whereupon,

6 MELVIN MICHAEL ELLIOT,

7 a witness herein, having been first duly sworn, was  
8 examined and testified upon his oath as follows:

9 DIRECT EXAMINATION

10 BY MR. WADDELL:

11 Q. Mr. Elliot, what's your full name?

12 A. Melvin Michael Elliot.

13 Q. Melvin?

14 A. Melvin. Please don't call me that.

15 Q. Call you Mike?

16 A. Yes, sir.

17 Q. What's your home address?

18 A. 69 Clems Drive, Ranson, West Virginia.

19 Q. What's your home phone number?

20 A. 304-728-0080.

21 Q. What's your business address?

1 A. My business?

2 Q. Business address. You work at the track,  
3 don't you?

4 A. Depends. I guess it's P.O. Box 551, Charles  
5 Town.

6 Q. What is your marital status?

7 A. I'm married.

8 Q. What's your wife's name and employment status?

9 A. What was that?

10 Q. Name and employment status.

11 A. My wife is Mary Frances Elliot. She works for  
12 Diagon of Washington County over in Hagerstown.

13 Q. What does she do there?

14 A. It's assisting elderly. Elderly assistance.

15 Q. What high school did you attend?

16 A. Charles Town.

17 Q. What year did you graduate?

18 A. I did not graduate. I went and got a GED in  
19 1996.

20 Q. What college did you attend?

21 A. Never attended college.

1 Q. What jobs have you held since you began full-  
2 time employment?

3 A. What jobs have I held? Well, that goes a long  
4 way back. I guess I picked cherries. I worked the  
5 orchards when I was a kid. From the time I was 15  
6 years old I been on the racetrack. I worked on the  
7 racetrack basically for Frank Smith, Jr. in 1970. I  
8 worked for Jim Palmer -- James A. Palmer and actually  
9 you have to back up. I worked for Bob Roberts Lee in  
10 1980 and then I went to work for James A. Palmer in  
11 '83. Worked for Jim from probably '83 to '86 and then  
12 I became a racing official September 7th of 1986.

13 Q. September 7th?

14 A. 1986.

15 Q. 1986?

16 A. Uh-huh.

17 Q. You got your GED what year?

18 A. I'm going to say '90 -- it was in the late  
19 '80s, early -- '87, '89 right before the racetrack went  
20 to close I went and got a GED. I don't have my wallet  
21 on me. I have a card.

1 Q. You became a racing --

2 A. Official.

3 Q. Official September 7th, 1986?

4 A. Uh-huh.

5 Q. And how old were you at that time?

6 A. Roughly 30 some years old. I was born in '54.

7 Q. Okay. Before that the gentleman you mentioned  
8 that you worked for what were they? Were they owners,  
9 trainers?

10 A. Trainers.

11 Q. Trainers?

12 A. Actually the one just past away.

13 Q. What type of work did you do for those  
14 gentlemen?

15 A. I galloped a few horses when I was first  
16 here. Pony horses. Rode horses mostly. Was a groomer  
17 I guess is how you would pronounce it.

18 Q. Who hired you as a racing official in 1986?

19 A. Richard Moore. That's who the racing  
20 secretary was at the time.

21 Q. What did you do as a racing official?



1 A. What have I done as a racing official?

2 Q. What did you do when you were first hired?

3 A. I was in the office personnel. Just handed  
4 out programs and answered phones.

5 Q. How long did you do that?

6 A. Approximately about three months.

7 Q. What did you do after --

8 A. '87 I became a horse identifier. I was  
9 probably horse identifier, you know, guesstimating here  
10 about a year and then in 1988 I became paddock judge.  
11 I was a paddock judge for off the top of my head I'm  
12 going to say until about June of 1990 and that's when I  
13 became the clerk of scales for the first time. Then I  
14 was clerk and then I been a placing judge off and on  
15 since that point in time.

16 Q. So you were clerk of scales for some period of  
17 time?

18 A. I was clerk from probably 1990 to about '93  
19 for about two or three years off and on. Then I became  
20 back and forth as a placing judge and then as we add  
21 other clerks we filled in. We alternated that very few

1 times so it's kind of hard to give you every time I was  
2 in every job.

3 Q. Have you worked in the racing office  
4 continuously since 1986?

5 A. I worked as -- I haven't been in the racing  
6 office per se as taking entries or any part of the  
7 racing office interaction for the last -- in 2008 I  
8 what they call backstretch administrator is when they  
9 moved me from the racing office because I was the  
10 assistant and then I took over the barn overseeing the  
11 barn area.

12 Q. Why don't we do this. Why don't you just tell  
13 me -- give me all the jobs that you've held --

14 A. I --

15 Q. -- at the track. You've mentioned --

16 A. Here is what --

17 Q. -- clerk of scales, placing judge.

18 A. Go ahead.

19 Q. You mentioned clerk of scales, placing judge,  
20 horse identifier. What other jobs --

21 A. Assistant identifier, paddock judge, assistant

1 racing secretary. That's about -- acting racing  
2 secretary for a while.

3 Q. What years were you the assistant racing  
4 secretary?

5 A. Assistant racing secretary I think Wayne  
6 Sowers left in April of 2006, if I'm not mistaken, and  
7 I was there until May of 2008.

8 Q. What did you do in May then of 2008?

9 A. That's when I became the backstretch  
10 administrator.

11 Q. How long did you hold that position?

12 A. Still have it.

13 Q. So from May 2008 until today?

14 A. Yes, sir. And also what I should say what  
15 they clarify me as a senior racing official in case  
16 they need a fill in I also fill in.

17 Q. Okay. So assistant racing secretary from  
18 April of 2006 to May of 2008 you've been backstretch  
19 administrator from May 2008 until currently today  
20 that's still your position, correct?

21 A. Uh-huh.

1 Q. And you're also designated as a senior racing  
2 official which allows you, I guess, to fill in where  
3 needed on some of these other job positions in the  
4 racing office?

5 A. Correct, sir.

6 Q. You mentioned you were acting racing secretary  
7 at some point in time. When was that?

8 A. From November of '07 until, like I say, May of  
9 2008 when they hired Mr. Wehrman, Randy Wehrman.

10 Q. So Randy Wehrman became an assistant racing --

11 A. Assistant racing secretary.

12 Q. Okay. In May of 2008?

13 A. Yes, sir. To my best recollection, yes.

14 Q. And who was the racing secretary between April  
15 of 2006 and May of 2008?

16 A. Dougie Lamp.

17 Q. What happened to Mr. Lamp in May of 2008?

18 A. Mr. Lamp resigned.

19 Q. Resigned from the track completely?

20 A. Yes, sir.

21 Q. No longer employed at all?

1 A. No, sir.

2 Q. How do you spell Wehrman, if you know?

3 A. I think it's W-H-E-R-M-A-N if I'm not  
4 mistaken. W-H-E-R-M-A-N.

5 Q. You may want to take that with a grain of  
6 salt. I think it's spelled --

7 MR. PETERSON: I believe it's W-E-H-R-M-A-N.

8 MR. WADDELL: (resumed)

9 Q. Before we go on if you don't understand any of  
10 my questions feel free to tell me that and I will  
11 rephrase my questions so you can understand it. If you  
12 don't tell me that I'm going to assume you understood  
13 my question and answered it as honestly and to the best  
14 of your ability.

15 A. Okay. Uh-huh.

16 Q. Try not to talk over me when I'm talking and I  
17 won't do that to you because the court reporter it's  
18 difficult for her to take down two people talking at  
19 the same time, okay?

20 A. Okay.

21 Q. Try to verbalize your answers rather than

1 shaking your head or going uh-huh or something like

2 that because again --

3 A. I understand.

4 Q. -- the court reporter -- it makes it unclear

5 what your response is.

6 What did you do to prepare for your deposition

7 today?

8 A. What did I do to prepare?

9 Q. If anything.

10 A. Really nothing really. I mean, just that

11 Mr. Peterson told me to be here at -- I thought he said

12 nine but he said 9:30.

13 Q. Had you met with Mr. Peterson or any other

14 attorneys to prepare you for your deposition?

15 A. Just Mr. Peterson and Mr. Zimny.

16 Q. Mr. Zimny?

17 A. Erich Zimny.

18 Q. When did that meeting take place?

19 A. I'm going to say today is Monday, it would

20 have been Friday -- Thursday. Excuse me. Thursday.

21 Q. So last Thursday you met with Erich Zimny?

1 A. Zimny.

2 Q. And Mr. Peterson at the same time?

3 A. Uh-huh.

4 Q. You have to go yes.

5 A. Yes, sir.

6 Q. Where did this meeting take place?

7 A. In Mr. Al Britton's office.

8 Q. Was there anyone else present during the  
9 meeting?

10 A. No, sir.

11 Q. And approximately how long was your meeting  
12 with these gentlemen?

13 A. I'm going to say probably 20 minutes.

14 Q. Have you reviewed any records or documents of  
15 any sort in preparation for your --

16 A. No, sir.

17 Q. I know you're anticipating what my question is  
18 but let me finish it so we're not talking over each  
19 other.

20 So you reviewed nothing? You reviewed no  
21 documents?

1 A. No, sir.

2 Q. Do you have any criminal history at all?

3 A. No, sir.

4 Q. You never have been charged with any crime?

5 A. No, sir.

6 Q. What is the name of your current employer?

7 A. P -- well, unless it changes it's PNGI,

8 Charles Town Gaming.

9 Q. As far as you know that's the name of your  
10 current employer?

11 A. Yes, sir.

12 Q. And your current job title is?

13 A. Backstretch -- senior racing official,

14 backstretch administrator.

15 Q. What are the duties of a backstretch  
16 administrator at the track?

17 A. Basically just oversee the barn area. Just  
18 oversee it.

19 Q. What does that require you to do on --

20 A. I just walk by and look for empty stalls and  
21 make sure the horses are properly taken care,



1 hopefully, things of that nature. That's what I do.

2 Q. If you find a horse that looks like it's being  
3 improperly taken care of what is your responsibility?

4 A. My responsibility the first person I notify is  
5 our Board of Stewards and then, of course, Mr. Zimny  
6 because he is now director of racing.

7 Q. So Mr. Zimny is now the director of racing?

8 A. Yes, sir. That's what I understand, yes, sir.

9 Q. Do you know how long he has been in that  
10 position?

11 A. Honestly I don't know.

12 Q. Who was the director of racing prior to  
13 Mr. Zimny?

14 A. Mr. Richard L. Moore.

15 Q. What is Mr. Moore's position currently other  
16 than being on vacation?

17 A. Nothing. Mr. Moore is not on vacation.  
18 Mr. Moore I would say I guess still as racing --  
19 general operator, like the general manager of racing.

20 Q. Al Britton is on vacation.

21 A. Right.

1 Q. He's the what? What is he?

2 A. I would say he's general manager of racing is  
3 what it's always been titled.

4 Q. Current racing secretary is Randy Wehrman?

5 A. Yes, sir.

6 Q. Are there any assistant racing secretaries?

7 A. Yes, sir. Mr. Ron Anthony.

8 Q. Okay. Anyone else?

9 A. No, sir.

10 Q. Is there normally just one assistant racing  
11 secretary?

12 A. Yes, sir. I mean, usually they try to have  
13 someone fill in but there's just one.

14 Q. What is the name of your immediate supervisor?

15 A. Would be Ron Anthony.

16 Q. And his job title?

17 A. The assistant.

18 Q. Racing secretary?

19 A. Racing secretary.

20 Q. And what would be the name of his immediate  
21 supervisor?

1 A. Randy Wehrman.

2 Q. What would be the name of Randy Wehrman's  
3 immediate supervisor?

4 A. You would guess on me. You could split  
5 hairs. It could be Erich Zimny, I would say, and go  
6 back to Richard L. Moore.

7 Q. Are there any employees that report to you?

8 A. No, sir.

9 Q. Have you ever during your employment with the  
10 track have you ever been suspended for any reason?

11 A. No, sir.

12 Q. Have you ever been disciplined for any reason?

13 A. No, sir.

14 Q. What is your knowledge of Tina Mawing?

15 A. My knowledge?

16 Q. Uh-huh.

17 A. That's an open-ended question. I really don't  
18 know what you mean.

19 Q. Let me rephrase it. Do you know Tina Mawing?

20 A. Yes, sir.

21 Q. How do you know her?

1 A. From training horses and her husband rode.

2 Q. And do you know her husband's name?

3 A. Anthony.

4 Q. Is your knowledge of Mrs. Mawing restricted to  
5 simply working at the track, you coming in contact with  
6 her at the track or do you have any other means of  
7 knowing her?

8 A. Actually, I knew -- met Mrs. Mawing also  
9 because she's a nurse at the hospital in Charles Town  
10 and she helped take care of my mother.

11 Q. So you had occasion to meet with her there?

12 A. Well, I just seen her, yes, sir.

13 Q. Any other way you know Mrs. Mawing?

14 A. No, sir.

15 Q. What's your knowledge of the HBPA? Do you  
16 know what that is?

17 A. The Horsemen's Protection Association.

18 Q. Uh-huh.

19 A. Uh-huh.

20 Q. What is it?

21 A. Just a group of horsemen that oversee the

1 interests of the horsemen.

2 Q. Are you a member of the organization?

3 A. No, sir.

4 Q. Have you ever been a member?

5 A. No, sir.

6 Q. Are you aware that Mrs. Mawing is a member of  
7 the Board of Directors of the HBPA?

8 A. I don't know who all the members are, no, sir.

9 Q. My question was are you aware that she's a  
10 member of the Board of Directors of --

11 A. Am I aware of it?

12 Q. Yes.

13 A. Not really, no.

14 Q. So you didn't know that?

15 A. I don't know who all is or who all isn't. I  
16 thought all horsemen could be members. I don't know  
17 who their officers are.

18 Q. You're aware that she trains thoroughbred  
19 horses, correct?

20 A. Yes, sir.

21 Q. And she holds a racing permit issued by the

1 state of West Virginia?

2 A. Yes, sir.

3 Q. Do you know the purpose of the HBPA?

4 A. Horsemen Protection Association is all I ever  
5 know.

6 Q. Would you agree with me the purpose is to  
7 represent the horsemen's interests in property rights  
8 in dealing with racing associations such as Charles  
9 Town Races?

10 A. That would be speculation for me to guess. I  
11 -- my best guess HBPA is for the betterment of all  
12 horses to make sure everybody is on the same playing  
13 field fairly whether it's races or whatever.

14 Q. Do you know -- or do you agree with me that  
15 the HBPA is an exclusive bargaining agent for its  
16 members?

17 A. I don't know what you mean by that question.

18 Q. So you have no knowledge of that?

19 A. I don't know what you mean by the question.

20 Q. Okay. Are you familiar with the racing rules  
21 and regulations of the state of West Virginia?

1 A. A few of them, yes, sir.

2 Q. How did you become familiar with them?

3 A. Reading the rule book.

4 Q. Are you provided a rule book?

5 A. Uh-huh. Yeah. We mostly all have the rule

6 book once we get into racing.

7 Q. Does the track provide you a rule book?

8 A. No. The stewards usually if they have one.

9 Q. Do you have to consult the rules in connection  
10 with your job, current job?

11 A. Rules of my job I'm going to say there's not  
12 as many rules stipulating coming on the racetrack.  
13 It's pretty simple. To come on what I do, you know,  
14 you just you need in-slips, cognizance, health  
15 certificates to come on the property and after that the  
16 rules of racing follow on what category we're into  
17 depending on what you're asking me, you know, as the  
18 rules follow it.

19 Q. My question was do you ever look at the rules  
20 in connection with your job?

21 A. Yeah. There's occasions we have to look at

1       them.

2           Q.    How about as assistant racing secretary, was  
3       it necessary for you to be familiar with the rules of  
4       racing?

5           A.    Yes, sir.

6           Q.    Did you have occasion to look at them to do  
7       your job?

8           A.    Yes, sir.

9           Q.    If you had a question concerning a rule or  
10       regulation who would you ask?

11          A.    The Board of Stewards.

12          Q.    Do you know what a racing association is?

13          A.    What a racing association is?

14          Q.    Uh-huh.

15          A.    No.  I would say no.  I don't understand the  
16       question.  I mean other than --

17          Q.    Okay.  You would agree with me that the  
18       track -- Charles Town Races and Slots is the owner and  
19       operator of a thoroughbred horse racing track we can  
20       agree on that, correct?

21          A.    Yes.



1 Q. They also own a training track?

2 A. Across the street, yes, sir.

3 Q. They own horse stalls?

4 A. Yes, sir.

5 Q. Testing barn?

6 A. Uh-huh.

7 Q. Yes?

8 A. Yes, sir.

9 Q. And they have to be -- track has to be  
10 licensed by the state of West Virginia in order to  
11 operate, doesn't it, as a racetrack?

12 A. Uh-huh.

13 Q. Yes?

14 A. I would say yes, sir.

15 Q. Are you aware there's a written contractual  
16 agreement between the track and the Horsemen's  
17 Benevolent Protection Association or HBPA, are you  
18 aware of that?

19 A. I'm aware of the contract. Don't know what it  
20 contains but I do know there's a contract between  
21 horsemen and the track, yes.

1           Q.    Have you ever had any reason to review that  
2   contract?

3           A.    No, sir.

4           Q.    Does the track provide stalls to horsemen?

5           A.    Yes, sir.

6           Q.    Who are members of the HBPA?

7           A.    Yes.   Yes, sir.

8           Q.    How many?

9           A.    How many?

10          Q.    Stalls does the track provide to the horsemen?

11          A.    I think off the top of my head I think we have  
12   roughly like 1300 and some stalls.

13          Q.    Are you aware of any contractual requirement  
14   on the part of the track to supply those stalls, make  
15   those stalls available?

16          A.    I don't understand your question.

17          Q.    Are you aware that there's a contractual  
18   requirement that the track make those stalls available  
19   for the use of the horsemen, did you know that?

20          A.    Contractual?

21          Q.    Legal.   The track -- were you aware the track

1 is legally obligated to make stalls available for the  
2 use of the horseemen at Charles Town Races?

3 A. No. I don't -- I don't think -- I don't  
4 understand the legal part.

5 Q. You're not aware of that?

6 A. No.

7 Q. Are there any empty stalls at the present  
8 time?

9 A. Any empty stalls?

10 Q. Yeah.

11 A. Yes, sir.

12 Q. How many?

13 A. Off the top of my head I could say 40, 50.

14 Q. Have there ever been as many as 140 empty  
15 stalls at the track?

16 A. 140? I would say no.

17 Q. How are these stalls -- who uses these stalls?

18 A. Depends on who they're allocated to.

19 Q. Okay. All right. And in your capacity --  
20 various capacities at the track in the racing -- as a  
21 racing official, okay, have you ever become aware that

1 Mrs. Mawing has ever violated any law, statute, or rule  
2 governing thoroughbred horse racing in West Virginia?

3 A. The only thing I knew Mrs. Mawing to have done  
4 was when she lost five stalls because she was in the  
5 stalls that are allocated to other trainers. That's  
6 all I know.

7 Q. You're saying that you know she lost five  
8 stalls because these stalls were allocated to another  
9 trainer?

10 A. Other trainers, yes, sir.

11 Q. Other trainers, okay. When did that occur?

12 A. Huh?

13 Q. When did that occur?

14 A. I'm going to say back in 2008 to my best  
15 recollection right now. I would say around March of  
16 2008.

17 Q. How do you know about those? Do you have  
18 personal knowledge of this?

19 A. They did a tattoo check to the one area.

20 Q. Did a tattoo check?

21 A. Barn check.

1 Q. You're going to have to help me out there.

2 What's a barn check or a tattoo check?

3 A. That's when we go by and flip the horse's lips  
4 and we go back to find out who they belong to.

5 Q. When you say they did a check, who is they?

6 A. Me, Jim Taylor. I want to say Danny Frye off  
7 the top of my head. I would say that's who was with  
8 us.

9 Q. So it was you, Jim Taylor, and who else?

10 A. Could have been Daniel Frye. He's the state  
11 inspector.

12 Q. Daniel Frye. He is the state inspector. You  
13 mean he is an employee of the Racing Commission?

14 A. Commission, yes, sir.

15 Q. And what was his business at the track when he  
16 was doing this?

17 A. He just represents the state to make sure  
18 that's all we do.

19 Q. I'm sorry?

20 A. He just represents the state to make sure  
21 that's all we go through the barn and do, that we don't

1       bother anything else other than check horses.

2           Q.     And the reason for doing this tattoo or barn  
3       check? What was your purpose in doing this?

4           A.     The same thing we just talked about to make  
5       sure the proper horses are in the proper places and  
6       trained by the proper people.

7           Q.     Okay. Does the Racing Commission inspector  
8       accompany you whenever you do this?

9           A.     When he's available, yes, sir.

10          Q.     And is he available on the track or is he --

11          A.     Yes, sir, he's usually there. He works there.

12          Q.     So he works there all the time?

13          A.     Wednesday through Saturday, I would say,  
14       Sunday, something like that.

15          Q.     Okay. What else does he do?

16          A.     All I know he's a state inspector, sir. I  
17       don't have any other clue what his other jobs are.

18          Q.     When you check -- when you go into stalls to  
19       check horses, see who the trainers are, owners are,  
20       what stalls the horses are in, he's there overseeing  
21       that; is that correct?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes, sir.

4 Q. So this is how you had personal knowledge of  
5 the loss of these five stalls, is that what you're  
6 telling me because you went in and did this barn check?

7 A. Uh-huh -- yes, sir.

8 Q. What happened during the barn check that  
9 allowed you to know that Mrs. Mawing was losing stalls?

10 A. We didn't know that at that time. We just did  
11 a barn check.

12 Q. I'm trying to see how does that -- you  
13 mentioned that when I asked you about her losing  
14 stalls.

15 A. You asked me did she ever -- ever in any  
16 trouble. The only thing that I ever knew Mrs. Mawing  
17 to do was that. Like I said, Mr. George Yetsook was  
18 the first trainer to come up and make a complaint that  
19 she was in his stalls so that's why we had to go down.

20 Q. You're saying you went down there pursuant to  
21 a complaint?

1 A. George Yetsook.

2 Q. So George -- who is George?

3 A. He's a trainer.

4 Q. Is he a member of the --

5 A. HB --

6 Q. HBPA?

7 A. Yes, sir.

8 Q. Is he on the board of the HBPA?

9 A. That I don't know, sir.

10 Q. Did he make a complaint to you?

11 A. He came up to me, like I said, roughly in I'm  
12 going to say 2009 and we had talked about it because  
13 that's right after Mr. Lamp had left and he said he had  
14 loaned some stalls and Mrs. Mawing wouldn't get out.  
15 We went down there and that's when we discovered that  
16 she was in two other trainers' barns.

17 Q. Okay. Doug Lamp had left?

18 A. Mr. Lamp had resigned.

19 Q. That was in when?

20 A. November. I'm going to say the closest I can  
21 get to you is like November of 2007.



1 Q. Okay. So he resigned in November 2007?

2 A. Uh-huh.

3 Q. And how does that have any connection with  
4 something that happened in 2009? You just said 2009 is  
5 when George Yetsook made a complaint to you?

6 A. 2008. Excuse me.

7 Q. When in 2008?

8 A. Like I told you, around February, March, in  
9 that area he came up about his stalls.

10 Q. Okay. Take me through that. He came to you  
11 directly?

12 A. Uh-huh.

13 Q. What exactly did he say to you?

14 A. Same thing I told you. He asked me roughly  
15 three months ago they had asked to borrow the stalls  
16 which I told him at that point in time --

17 Q. Wait, wait, wait. You're losing me. Roughly  
18 three months ago who had done what?

19 A. Mr. Yetsook and Mrs. Mawing come up and they  
20 wanted to borrow some stalls. I told him at that point  
21 in time if it was okay with him I had no issues with

1       that. I was doing three jobs. They came back in, like  
2       I told you, it's roughly around March of that year, and  
3       he said that he wanted the stalls back but he couldn't  
4       get them back so we had -- he had asked her to get out  
5       of the stalls and evidently she didn't so when we did a  
6       tattoo check through that barn she was found to be in  
7       Mr. Yetsook's stalls. There was a horse of hers in  
8       Mr. Butts' stalls and also Ronnie Wilt's stall which  
9       are all trainers.

10       Q.    Okay. So if I'm understanding you correctly,  
11       three months before February, March of 2008 Mrs. Mawing  
12       and Mr. Yetsook came to you?

13       A.    Uh-huh.

14       Q.    And they came to you because you were what at  
15       that time?

16       A.    Doing a lot of acting. I was filling in  
17       because Mr. Lamp had resigned so I was acting racing  
18       secretary, assistant racing secretary and paddock judge  
19       at night.

20       Q.    They came to you because you were assistant  
21       racing secretary?

1 A. Yes, sir.

2 Q. And they wanted -- do I understand that what  
3 was going on here was Tina Mawing wanted to use some  
4 stalls that were allocated to Mr. Yetsook?

5 A. Yes, sir.

6 Q. And that is something that is governed by the  
7 Racing Commission rules?

8 A. No. Well, as far as what do you mean?

9 Q. Well, do -- did they have to come to you as a  
10 racing official in order to change the stall  
11 arrangements?

12 A. Yes. They have to have our permission, yes.

13 Q. That's a matter of the rules of the Racing  
14 Commission, correct?

15 A. Right. Yes.

16 Q. So she wanted to borrow some of his stalls, is  
17 that --

18 A. Yes, sir.

19 Q. At that time you approved that?

20 A. Yes, sir.

21 Q. In your capacity as racing -- assistant racing

1 secretary?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes, sir.

5 Q. Later, three months later in February or March  
6 of 2008, Mr. Yetsook approached you and stated to you  
7 that he wanted his stalls back?

8 A. Yes, sir.

9 Q. And he approached you because you were  
10 assistant racing secretary?

11 A. At that point in time, like I told you, I was  
12 doing all three jobs. There was no -- they hadn't  
13 hired a racing secretary yet.

14 Q. So you were acting as assistant racing  
15 secretary and you were also holding two other racing  
16 official positions, correct?

17 A. Yes.

18 Q. And those were?

19 A. Well, like I said, I was filling in as the  
20 racing secretary and I was paddock judge at night.

21 Q. So you were actually wearing three hats;

1 assistant racing secretary, acting racing secretary and  
2 assistant paddock judge?

3 A. I was paddock judge.

4 Q. Paddock judge. These are all positions that  
5 have to be approved -- you have to be approved and  
6 appointed through the Racing Commission to hold these  
7 positions, don't you?

8 A. You have to be a racing official.

9 Q. All right. So you have to be approved as a  
10 racing official to hold these positions?

11 A. Yes, sir.

12 Q. And the Racing Commission has to approve you  
13 being a racing official?

14 A. Yes, sir.

15 Q. So I mean, they have -- they decide who is  
16 going to fill these positions?

17 A. Well, not the Racing Commission. Our --  
18 inside of our racing office, you know, our management,  
19 Mr. Moore at that time, was the actual director of  
20 racing.

21 Q. Right, but subject -- he can put in who he

1 wants subject to the approval of the Racing Commission?

2 A. Yes.

3 Q. Is that right?

4 A. Yes. As long as they're approved then they're  
5 racing officials.

6 Q. So Yetsook comes to you and makes a complaint  
7 that he wants the stalls back, is that my  
8 understanding?

9 A. That's my understanding. I'm not trying to be  
10 rude here but this has been two years ago. Mr. Yetsook  
11 came back and he wanted the stalls back and that's when  
12 Mrs. Mawing was still in them. Then once we found out  
13 Mrs. Mawing was still in them which they was the ones  
14 we okayed, I had no knowledge of Mr. Wilt's or  
15 Mr. Butts' and then when they never came out that's  
16 when the thing blew out of proportion and she lost five  
17 stalls.

18 Q. You mentioned Mr. Butts. What's his full  
19 name?

20 A. Richard P. Butts and Ronald J. Wilt.

21 Q. Wilt?

1 A. Wilt, W-I-L-T.

2 Q. Are they trainers?

3 A. Yes, sir.

4 Q. When did you -- when did they get involved in  
5 this situation to your knowledge?

6 A. March of -- March of --

7 Q. I mean, did they approach you?

8 A. No. Mr. Wilt did not approach me. He did not  
9 know the stall belonged to him. He said he had been  
10 told by Mrs. Mawing that the stall was not his. That's  
11 all I can tell you on that.

12 Q. What about Butts, did he approach you?

13 A. Yes. Mr. Butts -- no. When we did a barn  
14 flip, we found her horse in Mr. Butts' stall.

15 Q. So you have a -- you have some kind of record  
16 of the stall allocation, correct?

17 A. They have them in the racing office from the  
18 stall allocations from years past.

19 Q. I mean, when you go down to the barn to do a  
20 barn check there's something you can consult, some  
21 written record of who is allocated that particular

1 stall?

2 A. Yeah. It's in the computer.

3 Q. It's in the computer?

4 A. Right.

5 Q. So you go down to do the barn check in March  
6 2008, around that time period, with the state racing  
7 inspector. You determined that -- what you're telling  
8 me is you're determining that Mrs. Mawing has some  
9 horses in stalls that are allocated to Mr. Butts,  
10 Mr. Wilt and Mr. Yetsook?

11 A. Yes.

12 Q. So when you determine -- make that  
13 determination when you do your barn check, what do you  
14 do?

15 A. I just report it back to my peers.

16 Q. Who's your peers?

17 A. At that time it was Richard Moore and Al  
18 Britton.

19 Q. So did you actually personally go and talk to  
20 Mr. Britton?

21 A. No. I just sent back to my boss which at that



1 point in time now Mr. Wehrman also was hired.

2 Q. All I'm trying to do is figure out,

3 Mr. Elliot, is after you did this barn check who did

4 you talk to about it? Who did you go to? Your boss?

5 A. My boss and --

6 Q. At that time --

7 A. -- which is Mr. Wehrman and then it goes

8 upstairs.

9 Q. So you went to Mr. Wehrman?

10 A. And to Mr. Moore.

11 Q. Did you speak directly to Mr. Moore about it?

12 A. Uh-huh. Yes, sir.

13 Q. Yes. Did you speak to Mr. Wehrman and

14 Mr. Moore at the same time?

15 A. No.

16 Q. Who did you speak to first?

17 A. Mr. Wehrman.

18 Q. What did you tell Mr. Wehrman?

19 A. What we found. We just gave him what we

20 found, what we do every day. We take back our tattoo

21 check and this is what we found.

1 Q. How often do you do these tattoo checks?

2 A. Now we do two a week.

3 Q. Is this something you do routinely every week?

4 A. No. Honestly, we started doing them again I'm  
5 going to say recently we just did -- what's this, we  
6 did barns three, four, five, six, seven, eight, nine,  
7 10, 11, and 13 so I'm going to say we started about a  
8 month or so ago re-doing them all again.

9 Q. So you started a month ago?

10 A. Roughly in that time frame.

11 Q. Checking every stall?

12 A. Yes, sir, checking every barn.

13 Q. And when is the last time you did that prior  
14 to a month ago?

15 A. I couldn't tell you. I would be lying if I  
16 tried.

17 Q. So it's not something you do routinely every  
18 week?

19 A. No. They started it back up now. No, we  
20 hadn't done it in I'm going to guess and say a year  
21 until we started back.

1 Q. When you say we went to Mr. Wehrman, are you  
2 meaning you --

3 A. Me and Mr. Taylor.

4 Q. And James Taylor.

5 A. Right.

6 Q. Not the racing secretary?

7 A. No, sir.

8 Q. And then when you say we went to Mr. Moore,  
9 was that just you or was it you and Mr. Taylor?

10 A. No. I, myself, went to Mr. Moore.

11 Q. Why did you go to him if you had already  
12 reported this to Mr. Wehrman?

13 A. Because Mr. Moore is the director of racing.

14 Q. So you felt you should report it to him as  
15 well?

16 A. Yes, sir.

17 Q. Was anyone -- was he aware that a complaint  
18 had been made?

19 A. I don't know, sir. I don't recall having any  
20 conversation with Mr. Moore about the complaint.

21 Q. Was Wehrman aware that the complaint had been

1       made before you --

2           A.    I couldn't --

3           Q.    -- ran the check?

4           A.    Again, I can't recall ever having any  
5       conversation with Mr. Moore about a complaint from  
6       Mr. Yetsook.

7           Q.    When you went to them and told them about  
8       this, did it seem to be something new that they hadn't  
9       heard before?

10          A.    No.   No.

11          Q.    It did not seem to be something they hadn't  
12       heard?

13          A.    No.   It's happened before with other people.  
14       It's not like this is just a surprise, you know.

15          Q.    Well, what I'm driving at did they know you  
16       were checking on Mrs. Mawing's stalls?

17          A.    Oh yeah. They sent me there. Mr. Wehrman is  
18       the one who sent me down to check the stalls out.

19          Q.    So it was Wehrman that sent you down to check  
20       the stalls?

21          A.    I would say, yes, sir. Off the top of my

1 head, yes.

2 Q. How about Mr. Moore, did he send you down?

3 A. No. It came from the racing secretary.

4 Q. When did he -- when did he tell you to do  
5 this?

6 A. Again, we're going back in time here. I can't  
7 give you an approximate time.

8 Q. Was this before or after the complaints?

9 A. It was after. It was when Mr. Yetsook came to  
10 us.

11 Q. Did Yetsook come directly to you?

12 A. Yetsook came to the identifier's office to  
13 talk to me, yes.

14 Q. But Wehrman is the one who sent you down to do  
15 the barn check?

16 A. Yes. Mr. Wehrman is the racing secretary and  
17 he's the one that sent us to check the barns.

18 Q. So if I understand you correctly, when were  
19 -- were these stalls then taken away from Mrs. Mawing?

20 A. I can't give you exact date, but yes, there  
21 were five stalls taken away from Mrs. Mawing, yes.

1 Q. Sometime after February or March of 2008,

2 correct?

3 A. Yes, sir.

4 Q. How soon afterwards?

5 A. I couldn't begin to give you that. I would  
6 have to go back and look. I just know they did a barn  
7 check I'm going to say roughly in March and it was  
8 probably two weeks, it might have been two weeks, it  
9 might not have been.

10 Q. Are you aware of any other stalls ever being  
11 taken away from Mrs. Mawing?

12 A. No, sir.

13 Q. That's it, just these five stalls?

14 A. Just the five that -- I mean, for being in and  
15 then she lost them all eventually. But these five I  
16 know about.

17 Q. You also know that she lost all her stalls?

18 A. Yes.

19 Q. And when were all her stalls taken?

20 A. That, again, we're speculating here. I  
21 couldn't begin to give you the exact date. I couldn't

1 tell you the exact date. I just know she did lose all  
2 her stalls.

3 Q. Do you know why she lost all her stalls?

4 A. Do I know why she lost all her stalls? No, I  
5 have no idea. I was just given the letter to give out.

6 Q. You just what?

7 A. I was given a letter to give out.

8 Q. Somebody gave you a letter to give out?

9 A. The racing secretary gave me a letter to  
10 give -- Mr. Taylor and myself a letter to take down and  
11 hand out and that's what we hand out.

12 Q. Who did you hand out the letter to?

13 A. If I'm not mistaken, off the top of my head I  
14 think Mr. Anthony actually had the letter in his hand,  
15 her husband, Tony, he was there with Tina and we handed  
16 him the letter.

17 Q. So who was the racing secretary that gave you  
18 the letter?

19 A. Mr. Wehrman.

20 Q. Wehrman. And the letter advised?

21 A. I don't know what the letter said, sir.

1 Q. You didn't read the letter?

2 A. No. We don't get to read them. They're in an  
3 envelope, sir.

4 Q. So you're handed a letter within an envelope  
5 by Mr. Wehrman and you were told give this letter --

6 A. Hand these letters out.

7 Q. To who?

8 A. Mrs. Mawing.

9 Q. You said letters. Is there more than one  
10 letter?

11 A. There's more than one letter. We were just  
12 handing out letters at that time. There's allocation  
13 letters. She's got stalls. We don't know what they  
14 say.

15 Q. Were you handing out letters to other  
16 trainers?

17 A. Uh-huh. At the same time.

18 Q. So you were handing out allocation letters to  
19 a number of different trainers?

20 A. Right, sir.

21 Q. And how did you -- since you didn't read the



1 letter and it was in an envelope, how did you learn

2 that she lost all her stalls?

3 A. When Mr. Mawing first come around and  
4 approached us was Anthony and was saying they took  
5 their stalls and I said you would have to bring Tina, I  
6 don't know. We don't -- privilege reading the letters  
7 and that's when they said they had lost all their  
8 stalls. That's when Mrs. Mawing asked me at that point  
9 in time who was on this committee about the stalls.

10 Q. So if I understand you correctly, Mrs. Mawing  
11 came to you at some point after she got the letter,  
12 advised you -- her husband advised you that they lost  
13 all their stalls?

14 A. And Mrs. Mawing was around there then at that  
15 time too.

16 Q. How soon was that after they got the letter?

17 A. Three minutes.

18 Q. So it was as soon as you handed it to them  
19 they opened it up and said we lost all our stalls, who  
20 is on the committee that made this allocation, right?

21 A. They asked who was on the committee for the

1 stall committee.

2 Q. What did you tell them?

3 A. There was a group of people.

4 Q. Did you know?

5 A. Did I know at the time? Everybody that was on

6 it at that point in time I didn't know who was all on

7 this committee where it all went through, no, sir.

8 Q. Were you on the committee?

9 A. As a stall committee, yes. We're all on a

10 committee, uh-huh.

11 Q. So you were on the stall committee?

12 A. Uh-huh.

13 Q. And you were on the stall committee in your

14 capacity as what, assistant racing secretary?

15 A. No. At that time I'm the backside

16 administrator.

17 Q. And did you know who the other committee

18 members were?

19 A. At that time?

20 Q. Yes.

21 A. No, sir, not all of them, no, sir.

1 Q. Do you know now?

2 A. Yes, sir.

3 Q. Who are they?

4 A. I would say right now it's Al Britton, Richard

5 L. Moore, Erich Zimny, Randy Wehrman, Jim Taylor, and

6 myself, Mike Elliot.

7 Q. And is it your understanding that that was the

8 membership of the stall committee at the time

9 Mrs. Mawing approached you and asked who was on the

10 committee?

11 A. Yes, sir.

12 Q. You're telling me you didn't know that at that

13 time?

14 A. I didn't know. I couldn't give all them names

15 because I didn't know who all was on it at that time.

16 When that moment that she approached me, no.

17 Q. How did you learn who was on it?

18 A. Once I had my very first stall meeting.

19 Q. So when did you have your very first --

20 A. That would have probably been in June or July

21 of '08 when we went upstairs. I want to say June more

1 or less.

2 Q. So your testimony is you have your first  
3 meeting of the stall committee in June or July of 2008?

4 A. Yes, sir.

5 Q. And that's when you first realized who the  
6 other committee members were?

7 A. Right, sir.

8 Q. Where does this stall -- how many stall  
9 meetings have you attended since June of 2008 or July  
10 of 2008?

11 A. Honestly, about three.

12 Q. Three more in addition to the one you had?

13 A. Yeah. I don't go to all of them. About  
14 three. That's all I really been sitting on.

15 Q. How often are there meetings of this  
16 committee?

17 A. Usually the only meetings we go to is when  
18 they decide to allocate, whatever, or to go over the  
19 people that's in our barn area, in our barn area  
20 already to go over their stalls.

21 Q. When they decide to allocate, who is they?

1           A.    Again, the committee. Now, that committee is  
2   the names we exist of. They have a meeting, they go  
3   upstairs and there's a lot more now, I guess,  
4   considered in this thing. Mr. Zimny put together a  
5   thing. We all sit around the table. The people that  
6   are on the property they go down the list of names with  
7   their stalls whether they've asked for more or asked  
8   for less then they discuss it.

9           Q.    Who calls the meetings?

10          A.    Who calls them?

11          Q.    Yeah. Who tells you there's a meeting?

12          A.    I would say now Mr. Zimny would be the one  
13   that calls that and sends out a e-mail that there's a  
14   stall allocation meeting coming up whatever day it is.

15          Q.    Does he send you something in writing?

16          A.    Usually sends e-mails.

17          Q.    Do you have a computer at the track that you  
18   use?

19          A.    I've had -- in the last year or so, no. I've  
20   only had one computer because when I was the assistant  
21   I used to sit at the desk and I had a computer but

1       because I became the backside administrator there's a  
2       building -- a new receiving barn and my office will be  
3       in the receiving barn when it's completed. As I do now  
4       I use a computer that's in the racing office to get my  
5       e-mails off of.

6           Q.    And is that how you received notice of these  
7       stall allocation meetings through the computer?

8           A.    Any e-mails I go to that computer and just  
9       read my e-mails in the morning and go from there.

10          Q.    Is this a computer in the racing office  
11       itself?

12          A.    Yes, sir, it's in the racing office.

13          Q.    Is it assigned to any particular employee?

14          A.    Me and Gary Lesley right now is who can  
15       basically get on it.

16          Q.    When you went to the June, July 2000  
17       allocation meeting did you receive notice by e-mail?

18          A.    I would say -- back two years ago?

19          Q.    June or July your first meeting.

20          A.    I would say it would have been by e-mail, yes,  
21       sir. Like I say, Ms. Gramm may give us a courtesy

1 phone call. That's Dickie Moore's secretary.

2 Q. Again, is there any regular schedule for these  
3 allocation meetings?

4 A. No, sir.

5 Q. Does the committee meet once a month?

6 A. No, sir.

7 Q. Every three months?

8 A. No, sir.

9 Q. It's whenever somebody decides to have a  
10 meeting?

11 A. It's usually, like I say, it's twice a year.  
12 Usually June and December.

13 Q. So it's actually there is a schedule to it?

14 A. Just a two time a year thing.

15 Q. Two times a year?

16 A. Uh-huh.

17 Q. You never went to any of these meetings  
18 before?

19 A. June of '08. That's my first one because  
20 that's when I took over.

21 Q. Took over as what?

1           A.    Backside administrator.

2           Q.    Jim Taylor's job currently?

3           A.    He's a stall man.

4           Q.    Stall --

5           A.    Stall man. He's actually the stall man.

6           Q.    Stall man. Now, does this committee vote on

7   how to allocate stalls?

8           A.    Is there a vote?

9           Q.    Do you take a vote?

10          A.    I would say no. I don't remember voting on

11   anything.

12          Q.    So you're not given a vote as to who should

13   get stalls?

14          A.    No, sir.

15          Q.    Is there anybody keeping a written record?

16          A.    Yes. Mr. Zimny usually does the record

17   keeping and all the stats and all that.

18          Q.    Do you get -- after the meeting do you ever

19   get any kind of written minutes?

20          A.    No, sir.

21          Q.    So what record is he making during the



1 meeting?

2 A. What Mr. Zimny -- it's not, I guess, for the  
3 meeting. What Mr. Zimny puts together is a chart on  
4 the starts of all the horsemen, quality of starts,  
5 percentage of wins.

6 Q. Okay. Let's slow down a minute. He puts  
7 together a list of -- a chart on the starts which means  
8 how often a horse races?

9 A. Or how often the trainer starts their horses.

10 Q. Which means racing the horse, right? When you  
11 say start you mean race, right?

12 A. You're not talking about one horse. You're  
13 talking about multiple horses. Starts. Not just one  
14 horse. It's multiple starts. How many starts.

15 Q. A trainer has more than one horse?

16 A. Right.

17 Q. And you keep a chart on how often that  
18 trainer's horses start?

19 A. Yes, sir.

20 Q. You also keep a chart on what else?

21 A. The percentage of their wins, the percentage

1 of their money.

2 Q. Percentage of wins. That means they actually  
3 won a race?

4 A. And --

5 Q. Percentage of money?

6 A. Percentage of money per start.

7 Q. You can win money without winning the race?

8 A. Yes, sir.

9 Q. You're saying he actually keeps a chart on how  
10 often the horse starts, the percentage of wins a horse  
11 has?

12 A. That's the new thing he came up with.

13 Q. New thing. When did that start?

14 A. Actually the first one I seen was this year.

15 What are we into now?

16 Q. 2010.

17 A. So that would have been last December is when  
18 I seen that one for the first time.

19 Q. December 2009?

20 A. Yes, sir.

21 Q. So that's something new?

1 A. Yes, sir.

2 Q. How about the percentage of horses and the  
3 money, is that something new as well?

4 A. Yes, sir.

5 Q. Did that start in December of 2009?

6 A. All that started on that new chart, yes, sir.

7 Q. So prior to December of 2009 there was a chart  
8 on how often a horse started -- the horses start?

9 A. No. I didn't -- I don't know -- honestly I  
10 can't answer your question on what they did or how they  
11 came up with their things before 2009.

12 Q. What I'm hearing from you is there was no  
13 record kept prior to December of 2009, am I right?

14 A. Not by me. I didn't keep it.

15 Q. And not by Mr. Zimny?

16 A. I can't answer that.

17 Q. You were there in the meetings?

18 A. No. I said I don't -- see no record. I never  
19 seen any records as far as 2009. I only went to a few  
20 meetings. The first meeting I went to was in 2008 and  
21 I did not see anything as far as chart ways go. He was

1       trying to build something to this fact what he made in  
2       2009.

3           Q.     That's what I'm driving at. The first time he  
4       came in with charts on starts, percentage of wins,  
5       percentage of money was in December of 2009?

6           A.     As far as I knew, yes, sir, 2009.

7           Q.     Okay. So let's get back to my original. How  
8       about in June, your first meeting, was Zimny there?

9           A.     Yes, sir, Mr. Zimny was there.

10          Q.     Al Britton there?

11          A.     Yes, sir.

12          Q.     Dickie Moore?

13          A.     Yes, sir.

14          Q.     Randy Wehrman?

15          A.     Yes, sir.

16          Q.     Jim Taylor?

17          A.     Yes, sir.

18          Q.     And yourself?

19          A.     Yes, sir.

20          Q.     Anyone else present?

21          A.     No, sir.

1 Q. Is there anyone there to take minutes?

2 A. No, sir.

3 Q. Keep a written record?

4 A. Not to my knowledge.

5 Q. Did you see anybody keep any written record?

6 A. Not to my knowledge.

7 Q. Let me finish. In June or July of 2008 did

8 you see anybody keep a written record?

9 A. Not to my knowledge.

10 Q. In December of 2009 did you see anybody keep a

11 written record?

12 A. Not to my knowledge.

13 Q. At any meeting that you've ever attended of a

14 stall committee, have you ever seen anyone keep a

15 written record?

16 A. You mean minutes as far as -- not to my

17 knowledge.

18 Q. Or any other record. Does --

19 A. The records what they do -- the only records I

20 know we keep is what we allocate when we do our

21 stalls. We have a list of trainers and we have what

1 stalls they have now and what they are eligible for,  
2 maybe what they're asking for.

3 Q. Okay. So you have a list of trainers?

4 A. Uh-huh.

5 Q. And a list -- as part of a list you have all  
6 their stalls?

7 A. Yes, sir.

8 Q. And you have a list of stalls they're eligible  
9 for?

10 A. Yes, sir.

11 Q. And you have a list of what stalls they want?

12 A. Yes, sir.

13 Q. And that's all on one list?

14 A. It's on one sheet of paper.

15 Q. One sheet. Who puts that together?

16 A. Mr. Zimny now.

17 Q. Who did it in June of 2008?

18 A. There was none. Not like that.

19 Q. Was there any such list prior to December of  
20 2009?

21 A. Not that I know of, sir; no, sir.

1 Q. So how did you keep track of who was being  
2 allocated stalls back at these other meetings?

3 A. That's something you will have to ask the  
4 other people. I can't answer that.

5 Q. Who made the decision in this meeting who  
6 would get what stalls?

7 A. Who made the decision?

8 Q. Who made the decision what trainers would be  
9 allocated stalls?

10 A. Like I said, they're already allocated  
11 stalls. Most of them are already allocated. It's just  
12 a question of whether we give or take away.

13 Q. Who would make that decision --

14 A. You would have to ask --

15 Q. Let me finish the question. Who would make  
16 the decision as to who would have stalls taken away?

17 A. You mean all their stalls or some of their  
18 stalls?

19 Q. Any of their stalls.

20 A. Well, it depends -- see, that's an open-ended  
21 question for me. If they're losing a couple of stalls

1 to there, it's done right at the meeting. If it comes  
2 to a decision whether management is taking everybody's  
3 stalls that's not done at that meeting.

4 Q. So if a trainer -- if all a trainer's stalls  
5 are being taken away, that's not something decided at  
6 this meeting?

7 A. No, sir.

8 Q. It's decided somewhere else?

9 A. Yes, sir.

10 Q. By somebody else?

11 A. By somebody else, yes, sir.

12 Q. By who?

13 A. I can't tell you, sir. Don't know.

14 Q. Now, if you're taking one or two stalls away?

15 A. It's done at that meeting.

16 Q. Done at that meeting?

17 A. Yes, sir.

18 Q. By who? Who makes that decision?

19 A. By the board.

20 Q. Do you vote?

21 A. We just go around the table. They might say



1 he's eligible, he's eligible, he's got 18 stalls, he's  
2 eligible for 14 stalls, let's take two.

3 Q. And how do you determine whether a trainer is  
4 eligible for 18 stalls as opposed to 14 stalls?

5 A. That's, again, out of my realm. It's a whole  
6 lot of criteria that upper management uses. It's not  
7 just normally based on starts anymore. That I do know.

8 Q. Back in 2008 how did they determine  
9 eligibility?

10 A. As far as I knew starts per stall.

11 Q. Was that true of the other meetings you  
12 attended other than the last meeting in December of --

13 A. Yes. Starts per stall.

14 Q. That was the eligibility criteria used by this  
15 committee?

16 A. That's all I know of, yes, sir.

17 Q. How many starts did you have to have per stall  
18 to be eligible?

19 A. Seven at that time, sir.

20 Q. Seven starts per stall for the trainer to  
21 maintain eligibility for that stall?

1 A. Yes, sir.

2 Q. Correct?

3 A. Yes, sir.

4 Q. That's the criteria that was used prior to  
5 December of 2009?

6 A. As far as I know, yes, sir.

7 Q. You were in those meetings, correct?

8 A. Uh-huh.

9 Q. You were in the meeting in June or July of  
10 2008, correct?

11 A. Yes, sir.

12 Q. You were in at least three other meetings?

13 A. Since.

14 Q. Since.

15 A. Yes.

16 Q. And that was the eligibility that --

17 A. Now they've changed it.

18 Q. In December of --

19 A. 2008. I just told you it was seven starts per  
20 stall as far as I know, yes, sir.

21 Q. They didn't change that until the meeting of

1 December of 2009?

2 A. As far as I know, yes, sir.

3 Q. Has any -- you know Mrs. Mawing had all her  
4 stalls taken away, correct, you're aware of that?

5 A. Yes, sir, I'm aware of that, yes, sir.

6 Q. So that wasn't done at a committee meeting of  
7 the stall allocation?

8 A. No, sir. No, sir.

9 Q. Has any other trainer had all their stalls  
10 taken away?

11 A. Yes, sir.

12 Q. Who else?

13 A. James Williams and Junior Hostler -- Charles  
14 Hostler, excuse me.

15 Q. James?

16 A. James Williams.

17 Q. And who else?

18 A. Charles Hostler. And also I forgot the other  
19 one, Ms. Patty Burns.

20 Q. Patty Burns, Charles Hostler?

21 A. Hostler.

1 Q. H-O-S-T-L-E-R?

2 A. Yes, sir. Junior.

3 Q. Junior?

4 A. Yes, sir.

5 Q. Mr. Williams, Mr. Hostler and Ms. Burns are

6 all trainers?

7 A. Yes, sir.

8 Q. Do you know why Mr. Williams all his stalls

9 were taken?

10 A. Yes, sir. I know why Mr. Williams lost his

11 stalls because of the care of his horses.

12 Q. Substandard care of his horses?

13 A. Yes, sir.

14 Q. Do you know why Mr. Hostler lost his stalls?

15 A. Same reason.

16 Q. Substandard care of his horses?

17 A. Yes, sir.

18 Q. Do you know why Patty Burns lost her stalls?

19 A. I have no idea, sir.

20 Q. Can you think of any reason why she might have

21 lost all of her stalls?

1           A.    No, sir.  Again, I can tell you the only thing  
2           I knew about Ms. Burns is while I was filling in as  
3           acting racing secretary and as assistant and paddock  
4           judge, I was paddock judge one day.  Again, I was asked  
5           to deliver a letter.  I delivered a letter to Ms. Burns  
6           in the paddock and five minutes later Ms. Patty came  
7           back saying the same thing that they taken all her  
8           stalls.  At that time she asked me the same thing, can  
9           you tell me why.  I have no reason.  Still don't have  
10          any reason why she lost her stalls.

11          Q.    How do you know why Mr. Williams lost his  
12          stalls?

13          A.    Because I was the backside administrator and  
14          watched him abuse his horses long enough to where I was  
15          the one that pressed that issue.  Same with  
16          Mr. Hostler.

17          Q.    Was that discussed the fact that they're  
18          abusing their horses, was that discussed at a meeting  
19          of the stall allocation committee?

20          A.    It was discussed with the stall committee and  
21          also discussed with the Board of Stewards.  Actually it

1 was discussed with the Board of Stewards before it went  
2 anywhere else.

3 Q. Did it go to the committee itself, the  
4 allocation committee?

5 A. It went to the committee -- well, I shouldn't  
6 say the committee. It went to Mr. Moore and, of  
7 course, Mr. Wehrman, Mr. Moore. Then Mr. Moore and  
8 Mr. Zimny and them, they had their own meeting  
9 upstairs. It was called back to me and we took their  
10 stalls.

11 Q. Other than Mrs. Mawing, Ms. Burns, Mr. Hostler  
12 and Mr. Williams, are you aware of any other trainer  
13 who has ever had all of their stalls taken away by the  
14 track?

15 A. No, sir. I just can't think of any off the  
16 top of my head, no, sir.

17 MR. WADDELL: Why don't we take a short break?

18 (Recess was had.)

19 MR. WADDELL: (resumed)

20 Q. Mr. Elliot, you're not aware that Tina Mawing  
21 ever had any issues regarding care of her horses, are

1       you?

2           A.    No, sir.

3           Q.    As far as you know she took good care of her  
4       horses?

5           A.    Absolutely. As far as I know, sir.

6           Q.    Are you aware she ever had any problems  
7       meeting that eligibility requirement for seven starts  
8       per stall?

9           A.    Well, as we go back on that that's one thing  
10       we need to, I guess, say the seven starts per stall was  
11       I guess you want to call them rule of thumb. I guess  
12       they took more things -- I shouldn't say guess.  
13       There's more things involved than just seven starts per  
14       stall. Now, at that time, no, I didn't know of  
15       Mrs. Mawing doing anything other than that, no.

16          Q.    So between the time we took a break and the  
17       time we're back you've now thought of other things that  
18       were taken into consideration?

19          A.    I would only say it is the quality of your  
20       starts and your percentage of wins. As we all know, we  
21       would all like to have nice horses. We all can't get

1 great horses.

2 Q. Are you saying her horses were inferior in any  
3 way?

4 A. No, sir.

5 Q. So there's no claim you're making that her  
6 horses were not quality horses?

7 A. No. I don't see any unquality horses she  
8 didn't have.

9 Q. So she had quality horses?

10 A. Yes.

11 Q. What other factors were taken into  
12 consideration that you thought of since we broke?

13 A. Like I say, your quality of starts, quality of  
14 wins, percentage of money. As we all know, we like to  
15 have quality horses, we like to have great horses but  
16 we all can't have great horses.

17 Q. Again, prior to December of '09 you attended  
18 four meetings of the allocation committee, correct?

19 A. Uh-huh. Around that area, uh-huh.

20 Q. Was there any record kept of quality of  
21 starts, quality of --



1           A.    I can't answer that, sir.  I don't know.  I  
2   really don't know, sir.

3           Q.    You mentioned George Yetsook?

4           A.    Yes, sir.

5           Q.    Did he not receive a letter taking away all  
6   his stalls?

7           A.    Taking away all his stalls?

8           Q.    Uh-huh.

9           A.    No, sir.  Oh, did he receive a letter recently  
10   you're talking about?

11          Q.    Yes.

12          A.    Yes, he did.

13          Q.    Were you involved in delivering that letter?

14          A.    Yes, sir.

15          Q.    Do you know the reason --

16          A.    No, sir.

17          Q.    That wasn't something that would have been  
18   discussed at one of your --

19          A.    Committee meetings.

20          Q.    -- allocation committee meetings?

21          A.    No, sir.

1 Q. That would be decided by upper level

2 management?

3 A. Yes, sir.

4 Q. When they want to take -- remove stalls

5 completely from a trainer, that's something that's just

6 not discussed at the allocation meeting?

7 A. Yes, sir. Not discussed with us.

8 Q. You have no idea of the reason why they would

9 want to do that, correct?

10 A. No, sir.

11 Q. You do not?

12 A. No, sir. I don't know, sir.

13 Q. As a member of this committee are you aware of

14 any limitation placed on the track in regard to

15 allocation of stalls?

16 A. What do you mean by limitation?

17 Q. Do they have any criteria or restrictions on

18 how they go about their business of allocating stalls?

19 A. I don't know, sir.

20 Q. Are you aware that the contractual agreement

21 between the Horsemen's Association and the track

1 requires that the track not discriminate in the  
2 allocation of stalls by reason of HBPA membership or  
3 activity?

4 A. The contract between the track and them, I  
5 have no idea about the contract, sir.

6 Q. So even though you're on the committee that  
7 allocates stalls, you're not aware of --

8 A. Contract.

9 Q. You're not aware of the provisions in the  
10 contract that govern the allocation of stalls?

11 A. No, sir. Don't know nothing about that.

12 Q. You never heard that discussed in any  
13 committee meeting?

14 A. No, sir.

15 Q. Do you agree with me that the process of  
16 trailering thoroughbred horses poses a risk of injury  
17 to the horses?

18 A. Trailering them?

19 Q. Yes.

20 A. Lord, that's a loaded question. You can walk  
21 a horse and get a horse hurt. Yeah, any time you put a

1 horse on the trailer, absolutely, you can get them

2 hurt.

3 Q. When you trailer a horse you have to load the  
4 horse, you have to transport, you're unloading,  
5 correct?

6 A. But in my opinion that's the trainer's  
7 decision in my opinion. I mean, if you're going to  
8 travel somewhere to ship your horse you're going to  
9 travel. People travel every day to ship horses. It's  
10 not like they're dying, no. Some horses ship better  
11 than others. Some don't ship at all.

12 Q. You agree with me it does pose a risk of  
13 injury to the horses though?

14 A. Not all of them. Depending on the horse.

15 Q. Well, if a horse gets stressed being  
16 transported it may act erratically and may cause  
17 themselves injury, correct?

18 A. I wouldn't -- personally I wouldn't transfer  
19 them.

20 Q. But that could happen?

21 A. Yes, sir, it could.

1 Q. It can also exhaust -- when you're trailering  
2 your horse you can also exhaust the horse leaving them  
3 at a competitive disadvantage in a race?

4 A. I'm not an expert on that. Yeah, I could say  
5 it could take some races out of you but that's your  
6 choice too of trailering your horse.

7 Q. Yeah, if you have a choice -- if you're a  
8 trainer and you have a choice whether to trailer or not  
9 it's your choice?

10 A. Right.

11 Q. If you don't have any stalls at the track and  
12 you've got to trailer it's not your choice, correct?

13 A. Absolutely. So it doesn't matter where he's  
14 going he's going to be in a bad situation at that time.

15 Q. Now, we talked about stewards somewhat here in  
16 this deposition. What is a steward?

17 A. They just govern racing.

18 Q. Pardon?

19 A. They govern racing.

20 Q. Are they officials of the West Virginia State  
21 Racing Commission?

1           A.    Two of them are.  One of them aren't.  Two  
2           stewards are state stewards and one steward is state  
3           association steward.

4           Q.    When you say association steward, what does  
5           that mean?

6           A.    A steward hired by the company by management.  
7           He is paid by management.

8           Q.    So the association you're referring to is  
9           the --

10          A.    PNGI.

11          Q.    Track?

12          A.    Yes, PNGI.

13          Q.    Are the other two stewards paid by the state?

14          A.    Yes, sir.

15          Q.    And their job by law -- by West Virginia law  
16          is to supervise racing?

17          A.    Govern racing, yes, sir.

18          Q.    According to the rules of the Racing  
19          Commission?

20          A.    Yes, sir.

21          Q.    As part of the rules of racing isn't it that

1       stewards have the authority to permit and direct any  
2       individual authorized to enter in or upon the stables  
3       at the track?

4           A.     What do you mean by that question?

5           Q.     Well, the Legislative Racing Rule Section  
6       17814.4 says the Racing Commission or the stewards of  
7       any licensed meeting may permit and direct any  
8       individual authorized to enter in or upon the stables.  
9       So if you have an individual who is authorized to enter  
10      in or upon the stables they're under the control of the  
11      stewards?

12          A.     Right. They govern everybody that's licensed.

13          Q.     Right. By law?

14          A.     By law.

15          Q.     Also, each racing association -- we've  
16      established that Charles Town Races is an association,  
17      racing association, correct?

18          A.     Yes, sir.

19          Q.     Each racing association by law is required to  
20      police its grounds at all times in a manner to prevent  
21      the admission of persons in or around the stables

1 unless they hold occupational permits issued by the  
2 Racing Commission; is that correct?

3 A. Right, sir.

4 Q. Now, at a race or race meeting, the officials  
5 include three stewards and the association's racing  
6 secretary and his assistants; is that correct?

7 A. What do you mean by that question?

8 Q. Legislative Rule 17819.1 provides that the  
9 officials of a racing meeting include three stewards  
10 and the association's racing secretary and assistants,  
11 are you aware of that?

12 A. No, sir.

13 Q. Are you aware that the Racing Commission in  
14 its sole discretion may determine the eligibility of a  
15 racing official and may approve or disapprove any  
16 official for an occupational permit?

17 A. No.

18 Q. You don't know that?

19 A. No. The only thing I know is we always fill  
20 out license application and send it in. That I do not  
21 know.



1 Q. Now you're aware, however, that by law the  
2 stewards are strictly responsible to the Racing  
3 Commission for the conduct of all races?

4 A. Yes, sir.

5 Q. And every detail, directly or indirectly,  
6 pertaining to the racing law, correct?

7 A. Correct.

8 Q. And the stewards have general supervision and  
9 authority over the racing -- the association grounds  
10 during a race?

11 A. Yes, sir.

12 Q. And any complaint against any official such as  
13 yourself shall be made to the stewards?

14 A. Right, sir.

15 Q. In writing and be signed by the complainant?

16 A. Yes, sir.

17 Q. And that's pursuant to West Virginia Rules?

18 A. Rules.

19 Q. And then the stewards are required by law to  
20 report all complaints to the general manager of the  
21 track?

1 A. Yes, sir.

2 Q. And to the Racing Commission?

3 A. Yes, sir.

4 Q. And is the stewards' authority to interpret  
5 the rules and decide all questions of racing not  
6 specifically covered by a specific rule, is that your  
7 understanding?

8 A. What's that now?

9 Q. It's the stewards who interpret the racing  
10 rules?

11 A. Uh-huh.

12 Q. And if the rule doesn't directly address the  
13 situation, it's the stewards who have to make a  
14 decision?

15 A. That I don't know.

16 Q. Now, you've been -- you have been an assistant  
17 racing secretary, correct?

18 A. Yes, sir.

19 Q. You're aware, aren't you, that the racing  
20 secretary and the assistant shall discharge all the  
21 duties of their offices expressed or implied that are

1 required by the rules of racing?

2 A. What does that mean?

3 Q. In other words, you have the responsibility to  
4 see that the rules of racing established by the state  
5 of West Virginia are properly followed?

6 A. Yes, sir. I understand that.

7 Q. And if there are any violations you have the  
8 responsibility to report those violations to the  
9 stewards?

10 A. To the stewards, yes, sir.

11 Q. And all the owners and trainers of horses and  
12 their stable employees are subject to the laws of West  
13 Virginia and the rules promulgated by the Racing  
14 Commission, correct?

15 A. Correct, sir.

16 Q. And that occurs -- they become subject to  
17 those rules immediately upon acceptance and occupancy  
18 of stabling accommodations from a racetrack, correct?

19 A. Or being licensed as far as I always knew.

20 Q. We can agree, can't we, that horse racing in  
21 West Virginia is a subject of extensive state

1 regulation, can't we?

2 A. What's that mean?

3 Q. It means there are very extensive Racing  
4 Commission rules that govern horse racing in West  
5 Virginia, correct?

6 A. Yes, sir.

7 Q. And, in fact, although the racetrack itself is  
8 privately owned many aspects of track management are  
9 governed by detailed regulations issued by the state  
10 Racing Commission, correct?

11 A. By the state rules.

12 Q. Correct?

13 A. Correct.

14 Q. And doesn't -- the Racing Commission maintains  
15 a continuous presence at each track; the racing  
16 stewards, officials who oversee the administration  
17 enforcement of the Commission's rules and policies,  
18 correct?

19 A. Correct.

20 Q. The stewards are actually an arm of the Racing  
21 Commission and are answerable directly to the Racing

1 Commission in West Virginia, aren't they?

2 A. Yes, sir.

3 Q. And the stewards actually as officials of the  
4 state are allowed to override the management of a track  
5 and matters pertaining to racing.

6 MR. PETERSON: Objection to the form. It's vague.

7 MR. WADDELL: (resumed)

8 Q. Is that your understanding?

9 A. Read that to me again.

10 Q. That a steward can actually override the  
11 management of a track if the track is violating a  
12 racing rule?

13 A. If the track is violating a racing rule?

14 Q. Uh-huh.

15 A. I can't honestly say -- I don't know because I  
16 don't know what you're asking me to really say.

17 Q. Okay. The racing rules govern the  
18 registration of stable personnel with the racetrack, do  
19 they not?

20 A. The rules of racing?

21 Q. Yes.

1           A.    Yes, sir.

2           Q.    Are you aware that no trainer is permitted to  
3 move any horse under his or her care from the grounds  
4 of the track without the permission from the racing  
5 secretary or the stewards?

6           A.    That's not true.

7           Q.    You don't agree with that?

8           A.    I don't agree with that.  You mean taking a  
9 horse off the property?

10          Q.    Have you ever read Legislative Racing Rule  
11 Section 178154.12?

12          A.    What does it say?

13          Q.    It says no trainer is permitted to move any  
14 horse under his care from the grounds of the  
15 association without permission from the racing  
16 secretary or the stewards.

17          A.    Never heard of it.

18          Q.    Are you aware that under the racing rules in  
19 West Virginia no trainer can enter a horse for racing  
20 unless the horse is stabled on the grounds of the track  
21 conducting the race or at other stabling facilities?

1           A.    You're telling me that -- the way that reads  
2           to me saying they can only be stabled on our property  
3           to be entered?

4           Q.    No.  They have to either be stabled on your  
5           property or some other stabling facility in order to  
6           be --

7           A.    A farm.

8           Q.    Well, am I correct that that's true that under  
9           the rules of racing in West Virginia no trainer can  
10          enter a horse for racing unless the horse is stabled on  
11          the grounds of the association conducting the race or  
12          at other stabling facilities, is that a true statement?

13          A.    I -- you lose me on the facility.  Because we  
14          take entries from people on farms.  So if a farm is  
15          included on that I would say it's correct.

16          Q.    At Charles Town Races stalling decisions are  
17          made by this committee, is that who makes -- the  
18          allocation committee, do they make stalling decisions  
19          or are the stalling decisions made by the racing  
20          secretary?

21          A.    What do you mean by -- new allocations or

1 people that are already there?

2 Q. Allocations. New allocations, who makes that  
3 decision?

4 A. New allocations are strictly given to the  
5 racing secretary.

6 Q. So the racing secretary makes those decisions  
7 themselves?

8 A. That's where we left -- like we talked before,  
9 I haven't seen new allocations. Anybody that comes  
10 with new allocations we stamp it and give to the racing  
11 secretary and that's as far as we see it.

12 Q. As far as trainers who already have  
13 allocations of stables those decisions regarding  
14 allocations are supposed under the track rules to be  
15 made by this committee we've talked about; is that  
16 correct?

17 A. Yes, sir.

18 Q. Unless, as you already said, they're taken  
19 away --

20 A. Right.

21 Q. -- completely all stalls?



1 A. Completely or denied.

2 Q. Or denied. Is there any appeal available to a  
3 trainer who has had stall space taken away?

4 A. Stall space taken away. You mean just  
5 completely or just a few?

6 Q. Let's first go with --

7 A. Completely?

8 Q. Completely.

9 A. Everybody always can reapply. I mean, they've  
10 been reapplying and reapplying. You can always turn in  
11 a stall application the next Wednesday --

12 Q. Then if a person reapplies, who makes the  
13 decision --

14 A. As far as, like I said, it goes to the racing  
15 secretary and then after that if they're new applicants  
16 they're put into a new folder and I have never been in  
17 a conversation with new applicants.

18 Q. So there's no way to appeal beyond the  
19 decision of the racing secretary if you don't like your  
20 allocation of stalls?

21 A. I can't say that. I just know he gets them,

1       sir.

2           Q.   Where does the committee that allocates stalls  
3       where do they normally meet?

4           A.   Mr. Britton's office.

5           Q.   Are we agreed or not, is there any written  
6       record kept of those meetings?

7           A.   Off the top of my head I would say there's no  
8       written record unless what we write down on our paper.

9           Q.   Is there any written record kept that you're  
10       aware of how the committee arrives at their allocation  
11       decisions?

12          A.   No, sir.

13          Q.   Is there any written criteria that the  
14       committee applies when they're making their  
15       allocation --

16          A.   I can't give you an answer to that. I don't  
17       know.

18          Q.   Is the decision made as to the allocation of  
19       stalls by the committee reviewed by anyone at the  
20       track?

21          A.   As far as when they make their applications?

1 Q. No. Let's say you go to -- you're a member of  
2 the committee. You sit in there. Do you make a  
3 decision actually while you're in there as to the  
4 allocation of stalls?

5 A. Only of who is on property. Whoever is only  
6 on property at that time.

7 Q. Right. Okay. So you're looking at whoever's  
8 trainers have stalls already?

9 A. Yes, sir.

10 Q. And you're making decisions regarding whether  
11 they're going to have stalls taken away or given to  
12 them?

13 A. Given, right.

14 Q. Is that decision made right there at --

15 A. Right there at that table.

16 Q. Is that reviewed by anyone at the track?

17 A. Not that I know of, sir.

18 Q. Does that decision have to be approved by  
19 anyone?

20 A. Meaning?

21 Q. Well, the committee makes its decision. Then

1 does the -- who is the highest official at the track?

2 A. I would say that would be Mr. Britton.

3 Q. Mr. Britton he's a part of the committee?

4 A. He's right there, yes.

5 Q. So he knows what the decision is?

6 A. It's, like I say, if they're taking away a few

7 stalls here and there it's done right at the meeting.

8 Whether we add or take away a couple or two or three

9 stalls it's right there at that meeting so everybody is

10 right there to do that.

11 Q. Okay. Is there any process provided by the  
12 track for a trainer to challenge the decision as to the  
13 allocation of stalls?

14 A. Yeah. I'm sure -- I personally don't know of  
15 any. I'm sure they're free to go talk to the committee  
16 to Mr. Britton and Mr. Moore or the racing secretary.

17 Q. But you're not aware of any formal process?

18 A. Not aware of any, no, sir.

19 Q. Does the track provide trainers who are  
20 adversely affected by decisions of the committee with  
21 the reasons or the basis of the committee's decision as

1 to the allocation of stalls?

2 A. You have to give me a little bit.

3 Q. Committee makes a decision to take stalls away  
4 from a trainer, okay, let's assume that's true, okay?

5 A. All of them or just a few?

6 Q. Just a few.

7 A. Okay. Yes, sir.

8 Q. Does the track provide the trainer with any  
9 reason or basis for that decision?

10 A. No, I don't know, sir. I couldn't give you an  
11 answer to that.

12 Q. How about if a decision is made to take away  
13 all the stalls of a trainer?

14 A. Again, I don't know. We just hand out  
15 letters. I don't have a clue why they take them.

16 Q. If a trainer is causing problems for the  
17 track, is that a reason to take away their stalls?

18 MR. PETERSON: Objection to the form. It's  
19 vague.

20 A. To me, I don't know. I wouldn't say no. I  
21 mean, it's vague to me. I would say no, they can be

1       fined, they can be anything.

2           Q.     I'm sorry?

3           A.     They could be fined. They don't have to take  
4       their stalls away. It depends on what you're asking.

5           Q.     I'm asking what are the -- we discussed a  
6       little bit about the criteria. We're taking away  
7       stalls from a trainer during a committee meeting,  
8       correct?

9           A.     Uh-huh.

10          Q.     Or otherwise, I mean, we've had Mr. Williams  
11       who had all his stalls taken away and Mr. Hostler who  
12       had all his stalls taken away because they had problems  
13       with the way they were caring for their horses.

14          A.     Uh-huh.

15          Q.     And that was something you initiated?

16          A.     I did that myself.

17          Q.     Because you knew there was a problem,  
18       correct?

19          A.     Absolutely.

20          Q.     And we talked about the starts that a trainer  
21       -- starts per stall, quality of horse?

1           A.    Right.  Quality of starts, quality of racing.

2           Q.    Are there any other objective criteria that  
3   you can think of that are taken into consideration by  
4   the track and the allocation of stalls?

5           A.    No, sir, I can't.

6           Q.    Is there any subjective -- do you know what  
7   subjective criteria means?

8           A.    No, sir.

9           Q.    That just means track pretty much decides to  
10   do whatever they want to.  Do they do that with the  
11   allocation of stalls?

12          A.    I've never seen them do that.

13          Q.    So they usually have objective criteria that  
14   they're supposed to use?

15          A.    I can't answer all their criteria because I  
16   don't know all their criteria honestly.

17          Q.    But you're on the committee that makes the  
18   allocation?

19          A.    I'm only on the committee that, like I said,  
20   if you're already on the stalls to take or receive.  I  
21   don't know of any criteria that says we're going to

1 send out and take your stalls because of this and that.

2 Q. What were the factors considered in taking all  
3 the stalls allocated to Tina Mawing?

4 A. I couldn't tell you, sir.

5 Q. We've already discussed her horses were not  
6 inferior to other horses?

7 A. No. I couldn't say that, no, sir.

8 Q. She had sufficient starts per stall, didn't  
9 she?

10 A. I couldn't tell you that because I don't take  
11 care of it. I don't run the records on that.

12 Q. Who keeps the records on that?

13 A. I'm going to go back and say that's all  
14 Mr. Zimny. I would say Mr. Zimny does all the records  
15 and all that.

16 Q. Do you know who Raymond Funkhouser is?

17 A. Raymond Funkhouser or Randy?

18 Q. I'm sorry. Randy.

19 A. Yes, sir, I know Randy.

20 Q. Who is he?

21 A. He was the president of the HBPA.



1 Q. Former president?

2 A. Former president of the HBPA.

3 Q. Were you aware there was a proceeding against  
4 him by the West Virginia Racing Commission?

5 A. No. I wasn't there, no, sir.

6 Q. Were you aware that on October 2nd, 2007 his  
7 occupational permit issued by the West Virginia Racing  
8 Commission was indefinitely suspended pursuant to a  
9 notice of suspension signed by racing stewards Danny  
10 Wright, Laurence Dupuy --

11 A. Dupuy.

12 Q. And Robert Lotts?

13 A. No, sir.

14 Q. You didn't know that?

15 A. To me, no.

16 Q. You didn't attend any hearing that he had --  
17 he had a hearing in Charles Town?

18 A. For Mr. Funkhouser?

19 Q. Yeah.

20 A. No, sir.

21 Q. You didn't attend that I take it?

1 A. No, sir.

2 Q. Did you hear about it?

3 A. No, sir.

4 Q. I guess you wouldn't have any knowledge who  
5 testified?

6 A. No, sir.

7 Q. You wouldn't be aware that Tina Mawing  
8 testified on behalf of Randy Funkhouser?

9 A. No, sir, I wouldn't know nothing about that,  
10 sir.

11 Q. You wouldn't be aware that Patty --

12 A. Patty Burns.

13 Q. You wouldn't be aware that Patty Burns  
14 testified on behalf of Mr. Funkhouser?

15 A. No, sir.

16 Q. How about George Yetsook, you didn't know he  
17 testified either?

18 A. Wasn't there, sir.

19 Q. Do you know how many stalls Mrs. Mawing  
20 originally had before you started taking --

21 A. Off the top of my head I want to say ten.

1 Q. Ten?

2 A. I'm pretty sure it was ten. I think I'm close  
3 in that area.

4 Q. When Patty -- you testified that Patty Burns  
5 had all her stalls taken away?

6 A. You gave me a list of people that had been  
7 -- that's when I forgot but Ms. Burns had her stalls  
8 taken away.

9 Q. Of course, you don't know why because --

10 A. I wasn't there, sir. I just know she got a  
11 letter that she lost all her stalls.

12 Q. Do you know how many stalls that was?

13 A. Off the top of my head, sir, I'm going to say  
14 close to 20, maybe 22. I'm guessing here right now.

15 Q. She must have done something pretty bad for  
16 that to happen.

17 A. I couldn't tell you, sir. I wasn't there.

18 Q. You don't have any idea why they took away all  
19 23 of her stalls?

20 A. Sir, like I say, I've known Patty for a long  
21 time. I don't have a clue why she lost all her stalls.

1 Q. Do you know how many stalls George Yetsook

2 has?

3 A. Five.

4 Q. Is your current position backstretch --

5 A. Senior racing official, backstretch

6 administrator.

7 Q. Are you involved at all in -- the

8 backstretch is the --

9 A. Barn area.

10 Q. Barn area?

11 A. Barn area.

12 Q. Stall area?

13 A. Stall area.

14 Q. Are you involved -- have any involvement at

15 all in the administration of pesticides or rat poison?

16 A. No, sir.

17 Q. Who does that?

18 A. I can't tell you right now, sir. I would be

19 lying to you. Before it was Ehrlich.

20 Q. Ehrlich?

21 A. Ehrlich.

1 Q. That's the company?

2 A. Yes. That's the company that did it.

3 Q. As I understand it, the track would contract  
4 with that company to --

5 A. Come in and put it.

6 Q. You have no involvement in that at all?

7 A. No, sir.

8 Q. Who at the track would be involved in that?

9 A. You would probably have to get ahold of  
10 facilities maintenance. They would probably be the  
11 only one to tell you. I'm sure one of them would go  
12 around with them.

13 Q. Who is in charge of facilities maintenance?

14 A. Rodney Walker.

15 Q. Rodney Walker?

16 A. Walker.

17 Q. As backstretch administrator how much time do  
18 you actually spend in the barn and stall areas?

19 A. Like right now well, I'm usually there every  
20 day in the back walking through the barn area but in  
21 the last two months I have been training other people

1 to also be clerk of scales so it varies. Sometimes I'm  
2 in the barn area, you know, Monday, Wednesday,  
3 Thursday, Friday, Saturday and sometimes on Sunday  
4 before the races, but the last two months or so I've  
5 been training other people to be clerks. Mr. Taylor  
6 has been there more than I have.

7 Q. Mr. --

8 A. Taylor.

9 Q. James Taylor?

10 A. Yes, sir.

11 Q. His job is?

12 A. Stall man.

13 Q. Stall man. What's that involve?

14 A. I mean, the stall man actually he just goes  
15 around the same way to make sure your stalls -- the  
16 barns are kept, your stalls look nice, horses look  
17 nice, the right people is in the right place, and I  
18 just oversee the whole area basically in a nutshell.

19 Q. That's his direct responsibility to see that  
20 the stalls are kept well, the horses --

21 A. The barns, the stalls, that area.

1 Q. And you oversee that?

2 A. Yes.

3 Q. Do the barn areas sometimes have a problem  
4 with rats?

5 A. People complain about rats, yes, sir. It's a  
6 barn. Yes, sir.

7 Q. Right. How would you describe the rat  
8 situation as far as the barn is concerned at the track?

9 A. I've seen them in barn 14. I've seen them in  
10 barn seven. Honestly, that's the two barns I've really  
11 seen them probably worst is in barn 14 and barn seven.

12 Q. Barn 14 is where --

13 A. When you --

14 Q. -- Mrs. Mawing had her --

15 A. Horses in 14, yes, sir.

16 Q. What were you going to say?

17 A. I thought you asked me where it was.

18 Q. Where is it?

19 A. When you pull into the stable gate it's to  
20 your left, first barn to your left.

21 Q. Do you have any personal knowledge of the

1 administration of rat poison or pesticide in barn 14?

2 A. No, sir. That's not done by us.

3 Q. Do you have any personal knowledge of Tina  
4 Mawing complaining about the track's use of pesticides  
5 in and around the stalls?

6 A. Mrs. Mawing did make a complaint about that.

7 Q. What do you know about that?

8 A. Just that she made a complaint about rat  
9 poison being near her horse and goat. That's all I  
10 know.

11 Q. What's the source of your -- where did you  
12 learn that?

13 A. Mrs. Mawing.

14 Q. She came to you?

15 A. Yes. She said something to me about rat  
16 poison being in her barn and like I said to her that if  
17 there was, I mean, it was Ehrlich, I don't know any  
18 other way to put it because I didn't see it, I wasn't  
19 there. I was just doing second-hand because I never  
20 seen any of it, never seen the horse, never seen the  
21 goat.



1 Q. When she came to you when was that, do you  
2 recall?

3 A. Back in 2008. I'm going to say it was still  
4 while she was on property and Mrs. Mawing just said she  
5 had problems with rats in her barn and asked again --  
6 we always called facility maintenance and facility  
7 maintenance took it from there.

8 Q. I mean, she came to you with a complaint about  
9 the rat poison, didn't she?

10 A. First she came to me about her horse and goat  
11 dying from rat poison.

12 Q. Okay. She came with a complaint that she had  
13 a horse and a goat that died from rat poison placed by  
14 Ehrlich?

15 A. I didn't -- she just said her horse and goat  
16 died by rat poison.

17 Q. She was coming to you to make a complaint  
18 about that?

19 A. She talked to me about it. I'm not going to  
20 say she came to me to complain about it. She just told  
21 me about it. That's how I found out.

1 Q. Did she complain to other people --

2 A. I don't know, sir. I'm sure she did.

3 Q. I'm just asking for your knowledge.

4 A. I don't know. I don't know, sir.

5 Q. Do you know -- were you aware she called the  
6 West Virginia Department of Agriculture to investigate  
7 the improper application of pesticides?

8 A. No, sir.

9 Q. You are aware that she complained about the  
10 hazardous and improper use of rat poison by the track?

11 A. Yes, sir.

12 Q. Were you aware that she complained to the  
13 racing stewards about the hazardous and improper use of  
14 rat poison?

15 A. No, sir.

16 Q. Were you aware she complained to the governor  
17 of West Virginia about the track's hazardous and  
18 improper use of rat poison?

19 A. No, sir.

20 Q. Have you ever had any specific discussions  
21 with Dickie Moore, you and him directly, specifically

1 regarding the allocation of Tina Mawing's stalls?

2 A. No, sir.

3 Q. Have you ever had any discussions with Doug  
4 Lamp regarding that?

5 A. About?

6 Q. Allocation of her stalls?

7 A. No.

8 Q. Randy Wehrman?

9 A. No, sir.

10 Q. Any discussions with Dickie Moore regarding  
11 her complaints about rat poison?

12 A. No, sir.

13 Q. Any specific discussions with Randy Wehrman  
14 concerning that?

15 A. No, sir.

16 Q. Is it true that if you're transporting a horse  
17 for the purposes of racing that you can't tranquilize  
18 them in any way while they're being transported because  
19 the substances that would be used would show up in drug  
20 tests?

21 A. Sure.

1 Q. And that would be prohibited by the rules of  
2 racing, correct?

3 A. Uh-huh.

4 Q. Yes?

5 A. I would say so, sir.

6 MR. WADDELL: Let's take a short break. I'm  
7 winding down unless I hear otherwise.

8 (Recess was had.)

9 MR. WADDELL: (resumed)

10 Q. One or two more questions, Mr. Elliot. You  
11 were assistant racing secretary and your job was  
12 switched to backstretch administrator, correct?

13 A. Yes, sir.

14 Q. Was that considered a demotion?

15 A. No, sir. No. They actually gave -- it was a  
16 promotion. When the new racing secretary came,  
17 Mr. Wehrman came, naturally a lot of racing secretaries  
18 like to have their own assistant and he had his  
19 people. Then when his new assistant was coming which  
20 was Mr. Ron Anthony I transferred to the barn area to  
21 take that position as the basically what they call

1 stall man, backside administrator, and eventually I'm  
2 assuming that Mr. Taylor would be retiring shortly  
3 because he's got some age on him, no offense to  
4 Mr. Taylor. He's a great man but that's why I took  
5 that position because eventually when Mr. Taylor  
6 retires that will be my job and Mr. Wehrman and  
7 Mr. Ron --

8 Q. When Mr. Taylor retires what will be your job?

9 A. Just basically the same thing. Whether you  
10 want to call it the stall man, backside administrator  
11 or anything to that nature.

12 Q. Okay. He's the -- Mr. Taylor is the stall  
13 man?

14 A. Stall man right now, yes, sir.

15 Q. And you're the backside administrator?

16 A. Yes, sir.

17 Q. So you're currently the backside  
18 administrator?

19 A. Right, sir, I'm currently the backside  
20 administrator.

21 Q. You're saying once Mr. Taylor retires you will

1       become the stall man?

2           A.    I wouldn't say -- if Mr. Taylor retires I just  
3       probably could keep the same title.  I would just do  
4       the same job I'm doing now.

5           Q.    You're saying that moving from assistant  
6       racing secretary to backside administrator was a  
7       promotion?

8           A.    It wasn't a demotion if you want to say that.  
9       I didn't get demoted.

10          Q.    Did it involve a change in pay?

11          A.    Yes, sir.  I got more.

12          Q.    You got more when you went from racing  
13       secretary, assistant racing secretary to backside  
14       administrator?

15          A.    Right.

16          Q.    What did you earn as racing secretary?

17          A.    What did I earn?

18          Q.    Yes.  Did you get paid by the hour or salary?

19          A.    No.  I've always been salaried.

20          Q.    Okay.

21          A.    I'm going to say --

1 Q. You don't need to tell me that number but tell  
2 me how much of an increase you got.

3 A. I'm going to say right around \$3,000.

4 Q. Are you telling me that if you switch from  
5 backside administrator to stall man that will be a  
6 promotion as well?

7 A. It's pretty much the same thing. It's pretty  
8 much the same job.

9 Q. So right now you've got two people -- you got  
10 yourself and Mr. Taylor doing pretty much the same job?

11 A. Right. Just overseeing what he's doing, yes,  
12 sir. In a roundabout way, yes, sir.

13 MR. WADDELL: Thank you. I don't have any further  
14 questions.

15 MR. PETERSON: I don't have any questions.

16 MR. WADDELL: You have a right to read -- the  
17 court reporter is going to make a transcript of your  
18 testimony. You have the right to review it if you  
19 choose and if anything was taken down incorrectly or  
20 you feel changes are necessary you have the right to do  
21 that. I don't know whether you want to advise him on

1       that or not.

2               MR. PETERSON: He'll read and sign.

3               MR. WADDELL: The court reporter will make  
4       arrangements with counsel or with you to see that that  
5       happens.

6               (Deposition was concluded at 11:31 a.m.)

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## 1 CERTIFICATION OF NOTARY

2 I, Tracy Rice, the officer before whom the foregoing  
3 deposition was taken, do hereby certify that the  
4 witness whose testimony appears in the foregoing  
5 deposition was duly sworn by me; that the testimony of  
6 said witness was taken by me stenographically and  
7 thereafter reduced to typewriting by me; that said  
8 deposition is a true record of the testimony given by  
9 said witness; that I am neither counsel for, related  
10 to, or employed by any of the parties to the action in  
11 which this deposition is taken and further, that I am  
12 not a relative or employee of any attorney or counsel  
13 employed by the parties thereto, nor financially or  
14 otherwise interested in the outcome of this action.

15  
16 \_\_\_\_\_  
17 Tracy Rice

18 Notary Public - State of West Virginia

19 My Commission Expires: September 16, 2013  
20  
21  
22



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I N D E X

WITNESS:

PAGE:

JAMES TAYLOR

Direct Examination by Mr. Waddell

4

1 MARTINSBURG, WEST VIRGINIA

2 MONDAY, APRIL 5, 2010

3  
4 P R O C E E D I N G S

5 Whereupon,

6 JAMES TAYLOR,

7 a witness herein, having been first duly sworn, was  
8 examined and testified upon his oath as follows:

9 DIRECT EXAMINATION

10 BY MR. WADDELL:

11 Q. Mr. Taylor, my name is Harry Waddell and I'm  
12 an attorney representing Tina Mawing in a suit that  
13 we've got here and you're testifying in connection with  
14 that. I'm going to be asking you some questions. If  
15 you don't understand my questions tell me and I will  
16 rephrase them for you. You need to answer loudly so  
17 the court reporter can take down your answer and you  
18 need to answer verbally rather than shaking your head  
19 obviously.

20 A. Yeah.

21 Q. Because the court reporter can't take that

1 down. Do you have any questions for me?

2 A. No, I don't have any.

3 Q. Would you just state your full name for the  
4 record?

5 A. James Edward Taylor.

6 Q. And can you give me your home address?

7 A. 201 East 14th Avenue, Ranson, West Virginia  
8 25438.

9 Q. Your home phone number?

10 A. 725-1142.

11 Q. Are you married?

12 A. No. My wife she past 29th of August.

13 Q. Oh recently?

14 A. Yes.

15 Q. Oh, I'm sorry to hear that.

16 Did you attend high school in Jefferson County?

17 A. Yeah. Page Jackson.

18 Q. Did you graduate?

19 A. No.

20 Q. What year did you go through?

21 A. Eleventh.

1 Q. Do you ever get a GED?

2 A. No.

3 Q. I'm trying -- what year did you -- what year  
4 was it that you left high school? That will tell me  
5 how far --

6 A. Wait a minute. I got to think. It was -- I  
7 don't know exactly what year it was.

8 Q. Okay.

9 A. It's been a long time ago.

10 Q. How old are you?

11 A. Seventy-seven.

12 Q. How long have you actually worked at the  
13 track?

14 A. Since '85.

15 Q. And have you worked actually as an employee of  
16 whoever owned the track since '85 or did you work for  
17 trainers and things --

18 A. Before that I worked for trainers and since  
19 for the track '85 now.

20 Q. '85. What job -- when you started in '85 what  
21 job did you have?

1 A. Clocking.

2 Q. Clocking. Is that a job in the racing office?

3 A. No. It's on the track. You clock the horses  
4 as they training.

5 Q. Is that part of the racing office job? I  
6 mean, as part of the racing office?

7 A. Yeah. Everything goes back to the office.

8 Q. How long did you do that?

9 A. Well, Shenandoah. I've been doing it and  
10 still doing it. I still clock a couple days a week  
11 now.

12 Q. What else do you do currently?

13 A. Stall person.

14 Q. Stall person?

15 A. Yeah. Stall man. Stall superintendent is  
16 correct. Stall man they use it.

17 Q. Who is your immediate supervisor?

18 A. Randy Werhman, racing secretary.

19 Q. Your primary job is stall superintendent job,  
20 is that your primary job?

21 A. Yeah.



1 Q. Can you just tell me what you do? What does  
2 that job involve?

3 A. It's involved horses being in the right barn,  
4 right stalls and all that certain things.

5 Q. Have you looked at any documents of any sort  
6 in preparation for your deposition?

7 A. No.

8 Q. Did you have any involvement at all in the  
9 decision -- any decisions regarding allocation of  
10 stalls for Tina Mawing?

11 A. No.

12 Q. Have you ever been on -- there's a committee  
13 that is involved in stall allocation. You're on that  
14 committee, aren't you?

15 A. I'm a member, I guess. I never go to it too  
16 much. The clocking part of it.

17 Q. How many committee meetings do you recall  
18 attending?

19 A. I don't know. A few. I don't know. I don't  
20 remember number wise but a few of them I been to.

21 Q. More than three?

1           A.    Not all of them.  I haven't been to all of  
2    them.

3           Q.    You haven't been to all of them?

4           A.    No.

5           Q.    Have you been to three?

6           A.    Yeah, I guess maybe three over the years,  
7    yeah.

8           Q.    How long have you been on the committee?

9           A.    I don't know.  Ever since it started, I  
10   guess.  I don't know when it may have been.

11          Q.    Do you know when it started?

12          A.    No.

13          Q.    Do you know who the other committee members  
14   are?

15          A.    Well, I know some of them, yeah.

16          Q.    Okay.

17          A.    I don't know how many it is though.

18          Q.    Give me the names of the ones you know for  
19   sure on the committee.

20          A.    Mike -- Mike Elliot.  Who else.  There's quite  
21   a few I know but I can't come up with the names.

1 Q. Okay. How about is Al Britton on the  
2 committee?

3 A. I don't know. He wouldn't be on the  
4 committee. He would be the head of it I imagine.

5 Q. When you went to the meetings was he there?

6 A. No, I never seen him at the meetings.

7 Q. So you never --

8 A. Not these particular meetings, no.

9 Q. I'm sorry?

10 A. Not these particular meetings, no, I haven't  
11 seen him there.

12 Q. How about Dickie Moore?

13 A. Yeah.

14 Q. Randy Werhman?

15 A. Yeah.

16 Q. So what happens at these committee meetings?

17 A. Discuss different things and concerns of the  
18 stable area just like things, you know, what's going  
19 on, what should be going on and things like that.

20 Q. I mean, what's the purpose of the committee?

21 A. I don't know what their purpose are but that's

1       what goes on at the meeting.

2           Q.   Well, isn't the committee -- isn't the purpose  
3       of the committee to review the allocation of stalls at  
4       the track?

5           A.   I imagine that's included, yeah.

6           Q.   Is --

7           A.   A lot of little things goes on on the track  
8       more than stall allocations, you know.

9           Q.   I'm talking about at the meetings of this  
10       committee, do a lot of other things go on besides the  
11       allocation of the stalls at the committee meeting?

12          A.   Yeah, I guess you could say so.

13          Q.   I don't know. I'm asking you.

14          A.   Like different barns that need things done. A  
15       lot of things go on at the meeting. Quite a few  
16       things.

17          Q.   Do you vote? Do you get a vote at the  
18       meeting?

19          A.   Yeah, they take care of the majority.

20          Q.   Do you vote on the allocation of stalls?

21          A.   No. That come from the office.

1 Q. Which office?

2 A. The racing secretary's office.

3 Q. Is there any discussion at the committee

4 meetings we're going to take some stalls from this

5 trainer and we're going to give stalls to this trainer,

6 do you have that type of discussion?

7 A. No, not at the meeting, no. Never had that

8 come up.

9 Q. It's never come up?

10 A. Not any that I've been to, no.

11 Q. Is there ever been any voted in any of these

12 meetings about we're going to take two stalls from Tina

13 Mawing and give them to some other trainer?

14 A. No. Nothing come up like that. That don't

15 come up in no meeting, no, who is going to take

16 stalls. No, that don't never come up.

17 Q. So at the stall allocation committee meetings

18 you never vote or discuss the allocation of stalls?

19 A. No. We don't have no say over that.

20 Q. Who does?

21 A. The racing secretary.

1 Q. At these meetings, does the racing secretary  
2 indicate who is going to be allocated stalls?

3 A. Not really, no. That goes in his office.

4 Q. So that's all done at the --

5 A. That's all in his office.

6 Q. What you're telling me is this committee  
7 doesn't really allocate anything?

8 A. No, it don't allocate no stalls or nothing.  
9 It don't have no jurisdiction over it.

10 Q. Does the -- well, this is going to be a short  
11 deposition. I just want to make sure I'm clear.  
12 There's a committee. How often does that committee  
13 meet?

14 A. I couldn't say because I'm not aware of all  
15 the meetings they have.

16 Q. Okay. There was a meeting in December of  
17 2009, I think. Did you attend that meeting?

18 A. Man, I can't remember.

19 Q. Do you --

20 A. I don't know because they have -- some of them  
21 I attend and some of them I don't. I don't go to every

1 meeting they have. They notify me when they want me to  
2 come to the meeting.

3 Q. So if they want you to come to the meeting  
4 they let you know?

5 A. Yeah.

6 Q. How do they do that?

7 A. They tell me.

8 Q. Who says --

9 A. Racing secretary.

10 Q. Randy Werhman?

11 A. Yeah.

12 Q. If he wants you to come to the meeting he will  
13 come and say I want you to be at this meeting; is that  
14 correct?

15 A. Right.

16 Q. And if he doesn't tell you that then you don't  
17 attend?

18 A. A lot of time I don't know the meeting is  
19 going on, right.

20 Q. Is there any other way that they notify you of  
21 meetings?

1 A. Ain't no other way to notify me but tell me.

2 Q. I don't know. Mr. Elliot testified that he  
3 gets notification of these meetings by e-mail.

4 A. No, I'm not into the computer thing.

5 Q. So if anybody is going to tell you about it --

6 A. They tell me.

7 Q. -- they're going to have to come to you and  
8 tell you in person?

9 A. Yes.

10 Q. And you don't go unless somebody tells you  
11 they want you to come; is that correct?

12 A. Yeah, correct.

13 Q. And do you know the last time you -- actually,  
14 can you remember the last time you actually attended  
15 one of these meetings?

16 A. Not really. It's been --

17 Q. Has it been over a year?

18 A. No, it hasn't been over a year but it's been a  
19 while.

20 Q. So --

21 A. It haven't been no year.



1 Q. So you've been to a meeting in 2009?

2 A. Oh yeah, nine, sure.

3 Q. Have you been to a meeting in 2010?

4 A. Not yet.

5 Q. But what I'm hearing from you, I want to make  
6 sure I'm clear on this, is that there are no  
7 discussions at the meetings you've attended about  
8 allocating stalls --

9 A. Stalls to nobody, no.

10 Q. So what types of things are discussed at the  
11 meeting?

12 A. Still your barn, things need to be done in the  
13 stall area and just things like that but never no  
14 discussion about who is getting this and who is not  
15 getting this.

16 Q. Right.

17 A. Like you might need some work done in barn 12  
18 or two or something and that will come up or whatever  
19 need to be done in the bathrooms. They have different  
20 things come up besides stalls.

21 Q. To your knowledge, the decisions about

1 allocations of stalls are made somewhere else outside  
2 of this committee meeting?

3 A. Yes. That comes out of the office. All the  
4 stall allocation come out of the office.

5 Q. Do you have any knowledge at all regarding  
6 stalls being taken away from Tina Mawing?

7 A. Not really, no.

8 Q. Nothing?

9 A. No.

10 Q. Do you have any knowledge of her complaining  
11 about the use of pesticides or rat poison in the barn  
12 14?

13 A. No.

14 Q. No?

15 A. No.

16 Q. No, okay. Do you have any knowledge of the  
17 condition of barn 14 with regard to rats, do you know  
18 anything about that?

19 A. Well, I know rats in most of the barns. I  
20 don't know why they wouldn't be in 14.

21 Q. So you don't --

1 A. I don't know what barns has more.

2 Q. The rats don't discriminate between which barn  
3 they want to be in?

4 A. No. You can find them everywhere.

5 Q. Any issues or problems you're aware of  
6 regarding the use of rat poison in any of these barns?

7 A. No.

8 Q. Were you aware that Mrs. Mawing had a horse  
9 and a goat that died and there was some concern on her  
10 part that it was as a result of exposure to rat poison?

11 A. I've heard but I don't know, no.

12 Q. Where did you hear that from?

13 A. Through the racetrack gossip. I can't name no  
14 one particular person that told me but you hear it, you  
15 know.

16 Q. Right. You didn't have any personal  
17 involvement or knowledge of that situation?

18 A. No.

19 Q. Anybody keep any -- at these committee  
20 meetings on allocation of stalls, does anybody keep any  
21 written record of those meetings?

1 A. The stall application?

2 Q. Yes.

3 A. Yeah, they keep them in the office. I don't  
4 know if they bring them to the meeting every time they  
5 meet, but Randy he got a file on everybody that got  
6 stalls -- allotted stalls.

7 Q. Is that something that's discussed at the  
8 committee meeting, the applications for stalls?

9 A. Not every time, no.

10 Q. At the meetings you've attended has there been  
11 discussions regarding the application for stalls?

12 A. Not really.

13 Q. No?

14 A. We already, you know, stalls already been  
15 allotted and we just about know everybody that has the  
16 stalls so it wouldn't be no point in them keep bringing  
17 it up to the people taking care of the stalls.

18 Q. Sometimes stalls are reallocated, right?

19 A. Yeah.

20 Q. Is that done --

21 A. That come from the office.

1 Q. Is that done at the committee meeting?

2 A. No. It comes from the office.

3 Q. So you're going to tell me that no matter how  
4 many times I ask you.

5 A. That's where it come from. I can't tell you  
6 it come from somewhere it don't.

7 Q. That's all I want to know.

8 A. That's where it come from.

9 Q. I want to make sure we're clear on that.

10 A. It come from the office.

11 Q. Have you ever seen any powdered rat poison put  
12 out in the barn areas?

13 A. No, I haven't. I never seen exterminators  
14 around there myself.

15 Q. You haven't even personally seen any  
16 exterminators there?

17 A. I haven't, no.

18 Q. You're not saying they don't come, you're just  
19 saying --

20 A. No, I'm not saying they don't come. I just  
21 haven't seen them.

1 MR. WADDELL: Let's take a break for a minute. I  
2 will be right back.

3 THE WITNESS: All right.

4 (Recess was had.)

5 MR. WADDELL: (resumed)

6 Q. All right, Mr. Taylor, as part of your job as  
7 the stall man or stall superintendent, do you do tattoo  
8 or barn checks?

9 A. No. That's another occupation there.

10 Q. Who does that?

11 A. The tattoo man they call him.

12 Q. Tattoo man. Who is that person?

13 A. Sam. What is his last name?

14 MRS. MAWING: Geris, G-E-R-I-S.

15 MR. WADDELL: (resumed)

16 Q. So as part of your job do you ever go down and  
17 check the stalls to see which horses and which trainers  
18 are in which stalls, do you ever do that?

19 A. Go down? What you mean go down?

20 Q. Go down to the barns.

21 A. They supposed to be in the stall they

1       allotted. We check to see if they're there, see if  
2       anything is empty and if they took anything out or  
3       something.

4           Q.   Who is we when you say we do that?

5           A.   I do it, Mike do it, either one of us.

6           Q.   Mike Elliot?

7           A.   Yes.

8           Q.   How often do you do that?

9           A.   No set time. No three days or every other  
10       day. Just, you know, when you going through you  
11       see all the stalls. You see if they're going to refill  
12       them or what they going to do.

13          Q.   Say there's empty stalls, would it not be  
14       unusual for trainers to allow another trainer to use an  
15       empty stall that they --

16          A.   They loan stalls out, yeah.

17          Q.   Happens all the time, doesn't it?

18          A.   It happen a lot.

19          Q.   As long as they get approval from the racing  
20       secretary?

21          A.   They should but they don't sometime.

1 Q. But if they did get approval from the racing  
2 secretary there's nothing wrong with loaning or  
3 borrowing stalls?

4 A. No. How there going to be something wrong if  
5 they done told you you can loan the stall to somebody?

6 Q. Do you know -- you know who Doug Lamp is?

7 A. Yeah. He was the ex-racing secretary.

8 Q. Did you -- was he racing secretary when you  
9 were there as a stall man?

10 A. Yeah.

11 Q. How close -- would you say he kept close tabs  
12 on the stalls?

13 A. Listen, I don't know all that what he done. I  
14 don't know how he, you know, kept his variation of  
15 stalls so I don't know that.

16 Q. That's not something you would have personal  
17 knowledge of?

18 A. No, I don't.

19 Q. Were you ever involved in -- strike that. Did  
20 you become aware at some point that the track took away  
21 all the stalls of Tina Mawing?



1 A. Yeah, I knew that.

2 Q. Do you know why that was done?

3 A. No. They don't give me no reason why they  
4 doing anything.

5 Q. Do you know who made that decision?

6 A. No, I don't know that either. That's done  
7 from the office.

8 Q. It wasn't anything that was ever discussed at  
9 a --

10 A. No.

11 Q. -- committee meeting?

12 A. No, I never heard it come up at a committee  
13 meeting. We don't have no jurisdiction over that no  
14 way.

15 Q. How about are you aware that all the stalls of  
16 Patty Burns were taken away?

17 A. Yeah.

18 Q. Do you know -- again, do you know -- have any  
19 knowledge of why?

20 A. Why? No, I don't know why.

21 Q. And were you ever present at any kind of

1 committee allocation meeting when that was discussed?

2 A. No. Let me say something. When them meetings  
3 come up they don't discuss who they going to take  
4 stalls from not at these particular meetings, you  
5 understand what I'm saying?

6 Q. Yeah.

7 A. They don't never tell us who they going to  
8 take stalls from or how many they going to take or  
9 nothing.

10 Q. That just never comes up at those meetings?

11 A. No.

12 Q. Is that right?

13 A. Yeah.

14 Q. Do you know who Mr. Randy Funkhouser is?

15 A. Yeah.

16 Q. Do you remember there was a hearing a few  
17 years ago in Charles Town where a hearing -- a big  
18 hearing was held, do you remember that where Randy  
19 Funkhouser was involved?

20 A. I've heard things about some kind of meeting  
21 but I didn't know whole facts about it or what kind of

1 meeting it was even.

2 Q. You didn't attend the hearing?

3 A. No. No. That's for the wheels.

4 Q. Pardon?

5 A. That's for the wheels. That's for the big

6 wheels. No, I wasn't there.

7 Q. How many -- do you know how many vacant stalls

8 there are at the present time at the track?

9 A. No, I don't have no idea.

10 Q. Are you aware that -- do you know George

11 Yetsook?

12 A. Yeah.

13 Q. Are you aware that the track wanted to take

14 all his stalls away?

15 A. No. I heard about it but they didn't do it.

16 I don't know why or what happened.

17 Q. Where did you hear it from?

18 A. Just racetrack talk.

19 Q. You have no personal knowledge?

20 A. No one individual told me about it. Just you

21 hear things, you know.

1 Q. Sure. And you don't know why?

2 A. I don't know where it come from even.

3 Q. Do you know anything about transporting horses  
4 by trailer? Do you have any experience with that?

5 A. Vans, no. All I know they come and go, you  
6 know. That's the only way to travel with them. I  
7 don't know any other way to get them to the track and  
8 from the track.

9 Q. If you don't have a stall at the track then  
10 you're going to have to transport your horses by --

11 A. Ship them in and ship them out.

12 Q. Right. Doesn't that present a risk of injury  
13 to the horse?

14 A. It's always a chance of injury to a horse,  
15 yeah. You can be walking them and get a chance of  
16 injury to a horse.

17 Q. Doesn't trailering a horse increase the risk  
18 of injury to a horse?

19 A. I wouldn't say so, no. They been doing it for  
20 years. No, I can't see no increase in risk. It's the  
21 only way to do it. Ain't no other way to bring them in

1 and out.

2 Q. Right. If you don't have a stall --

3 A. You got to ship them in and out.

4 Q. So it would be -- it's important to trainers

5 to have stalls to be able to use stalls at the track,

6 isn't it?

7 A. Yeah.

8 Q. Yes?

9 A. Oh sure. Avoid all that shipping then if you

10 got the stalls at the track. You got to bring them

11 from the farm to the track or wherever you're bringing

12 them from.

13 MR. WADDELL: Okay. Mr. Taylor, thanks for

14 coming. I don't have any further questions unless your

15 counsel -- or counsel does.

16 MR. PETERSON: I don't have any questions for

17 him.

18 MR. WADDELL: You have the right, if you choose,

19 to read -- the transcript is going to be made by the

20 court reporter what you said. If you want to you can

21 request the right to be provided a copy of that and

1 review it to see if there's any changes you feel should  
2 be made as to what was taken down here today or you  
3 don't have to do that if you don't want to. You can  
4 waive that right but you need to let the court reporter  
5 know now whether you want to do it or you don't.

6 THE WITNESS: I'm satisfied everything is written  
7 down what I said because you can't tell but one truth.

8 MR. WADDELL: That's true.

9 THE WITNESS: You can't tell one lie so it's as  
10 simple as that. I don't need no copy.

11 MR. WADDELL: So are you waiving?

12 MR. PETERSON: Yes, he's waiving.

13 MR. WADDELL: Thank you.

14 (Deposition was concluded at 12:04 p.m.)  
15  
16  
17  
18  
19  
20  
21

## 1 CERTIFICATION OF NOTARY

2 I, Tracy Rice, the officer before whom the foregoing  
3 deposition was taken, do hereby certify that the  
4 witness whose testimony appears in the foregoing  
5 deposition was duly sworn by me; that the testimony of  
6 said witness was taken by me stenographically and  
7 thereafter reduced to typewriting by me; that said  
8 deposition is a true record of the testimony given by  
9 said witness; that I am neither counsel for, related  
10 to, or employed by any of the parties to the action in  
11 which this deposition is taken and further, that I am  
12 not a relative or employee of any attorney or counsel  
13 employed by the parties thereto, nor financially or  
14 otherwise interested in the outcome of this action.

15  
16 \_\_\_\_\_  
17 Tracy Rice

18 Notary Public - State of West Virginia

19 My Commission Expires: September 16, 2013  
20  
21  
22

# John Fenimore Deposition Transcript

May 17 2013

(when received)



# CHARLES TOWN RACES & SLOTS

Via Hand Delivered

Date: 12/21/06

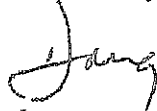
Dear Tina Mawing

Charles Town Races & Slots ("CTRS") has reviewed your 2007 Stall Application. You are being allocated 7 stalls for 2007, subject to the terms and conditions of the Revocable Stall License Agreement. Your specific assignments will be separately provided.

CTRS management wishes you a successful 2007 racing year.

In connection with your stall allocation, CTRS is also pleased to provide you with a revocable license to use C tack room(s). The specific location of the tack room(s) will be separately provided. Your acceptance and use of the tack room(s) constitutes your understanding and agreement that this revocable license to use the tack room(s) is subject to all terms and conditions of the Revocable Stall License Agreement, including specifically and without limitation, Paragraph No. 6, and shall be subject to periodic and random inspection by Track Security and the Racing Stewards. The tack room(s) may only be used to store tack and other equipment. Under no circumstances may a tack room be used for human habitation.

Yours truly,



Doug Lamp, Racing Secretary

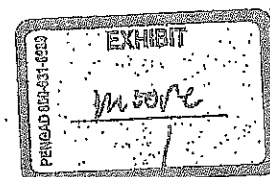


Exhibit 1

## CHARLES TOWN RACES & SLOTS

Date: February 7, 2008

Dear Mrs. Manning:

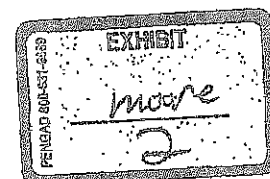
Charles Town Races & Slots ("CTRS") has reviewed your 2008 Stall Application. You are being allocated 7 stalls, subject to the terms and conditions of the Revocable Stall License Agreement. Your specific stall assignments will be separately provided.

Due to the delay in this allocation, CTRS is modifying the term of the License Agreement. The Term of the License Agreement shall be the six month period commencing March 1, 2008 through August 31, 2008. CTRS management wishes you a successful 2008 racing year.

Yours truly,

*Richard L. Moore*

Richard L. Moore  
General Manager Racing Operations



From: GTR\_LEGAL

13047244250

09/11/2008 17:31

#065 P.002/099

**2008  
STALL  
APPLICATION  
RACING DATES:**  
January 1 -  
June 30

# CHARLES TOWN RACES & SLOTS

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

**PHONES:**  
(800) 795-7001  
Racing Office-  
(800) 331-7070  
(304) 725-7001  
**FAX:**  
(304) 724-4326

Track
Barn 14
Stall 28-11
Trainer MAWING

**NO DOGS  
ALLOWED**



## Eligibility Rules

- Entries will not be accepted or stalls allocated:
  - To horses, which have started for the Minimum Claiming Price or less and since then have not finished first, second, or third for the Minimum Claiming Price in their next five starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by CTRS in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their next five starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by CTRS in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before February 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Charles Town Races and Slots ("CTRS") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by CTRS in all races for which they qualify. Subject to the terms and conditions on the reverse side of this application, it is expected that you will average seven (7) starts per allocated stall.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.

**DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION**

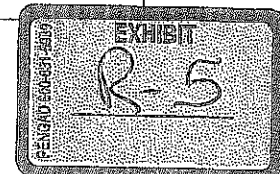
**VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!**

**No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows**

NAME OF HORSE	SEX AGE	MD	CLAIMING PRICE	LONG SHORT	LAST START DATE TRACK	NAME OF OWNER	OFFICE USE ONLY
1. Veva E	F3	N	ALW	1/5	12/07 CTR	G. Williamson	
2. Barna	M5	Y	5000	L/S	12/07 CTR	"	
3. Lucky Mommy	F3	N	10,000	H/S	12/07 CTR	Eddie Krishack	
4. Shorty Cain	G	N	5-10K	L	11/07 CTR	"	
5. Edna High	F5	Y	ALW	H/S	12/07 CTR	"	
6. Queens English	M	N	10,000	H/S	12/07 CTR	Tom Lynn	
7. Arsiro	G2	Y	ALW	H/S	12/07 CTR	Tina Mawing	
8. Gkey Blaster	G2	Y	ALW	H/S	12/07 CTR	Randleston Farm	
9. Valentines Humo	F2	Y	ALW	H/S		"	
10. A Little Risky	G2	Y	ALW	S		"	
11. California Class	F3	N	ALW	S	5/07 SA	Aluc Mawing	
12. Maripat Bay	F3	N	ALW	H/S	12/07 CTR	Mawing/Davis	
13. Up to Kishief	G2	Y	MSW			Tina Mawing	
14.							
15.							

Version: November 28, 2007

APPLICATION DEADLINE DECEMBER 15, 2007



From: CTR\_LEGAL

13047244250

09/11/2008 17:33

#065 P.003/099

**Revocable Stall License Agreement  
Terms and Conditions**

This Agreement ("Agreement") sets forth the terms and conditions governing the January 1 through June 30, 2008 Race Meeting at Charles Town Races and Slots ("CTRS"). The agreement is not accepted and does not become final until signed by CTRS Racing Secretary.

Applicant agrees that in consideration for and as a condition of the granting of permission to stable and race at CTRS to any or all of the horses listed on this application and any other horses for which stabling may be provided the Applicant agrees to notify all persons, agents or entities for whom he is acting (collectively, the "Affiliates") of the terms and conditions and further agrees to be responsible for any breach of the terms and conditions set forth herein by the Affiliates.

Applicant represents and warrants to CTRS that the Applicant has been granted authority by the Owner(s) of all horses in his care to make this application, to enter this Agreement and to bind such Owner(s) and Applicant as the Trainer of the horses listed on this application, to the terms and conditions of this Agreement.

- It is understood and agreed that CTRS may assign stall space to any or all of all the horses listed on this Application by the Applicant and Applicant hereby authorizes CTRS to cross out the names of any or all of the horses listed herein to which CTRS does not wish to assign stall space and to assign stall space only to the horses whose names are not crossed out. Applicant agrees to be bound by the terms and conditions of this Agreement as set forth, even though the Agreement may be altered by CTRS with respect to the named horses.
- This agreement shall not be binding upon CTRS until signed by the CTRS Racing Secretary, and when signed shall obligate CTRS to provide stall space only to those horses listed on this Agreement whose names have not been crossed out by the CTRS Racing Secretary. Except as described herein, NO changes or amendments to this Agreement shall be valid, unless the amendment is in writing and signed by Applicant and the CTRS Racing Secretary.
- CTRS reserves the right to reject any racing entry for any reason or no reason.
- It is understood and agreed that this is not a lease of any space, but is merely a revocable license granted by CTRS only on the terms and conditions set forth. CTRS reserves the unrestricted right to decline stall space, reduce the number of stalls allocated, revoke this license at will, for any reason or no reason, and to require any Applicant using stall space to vacate the stalls and move all horses, equipment and personnel off CTRS premises within fourteen (14) days after receiving written notice to vacate from CTRS. Such notice to vacate may be given at any time during the term of this License and for any reason or no reason entirely at the discretion of CTRS.
  - Should Applicant fail to vacate the stalls and move all horses, equipment and personnel off CTRS' premises within fourteen (14) days after receiving written notice to vacate from CTRS and should legal recourse become necessary, Applicant shall be responsible for all costs and expenses, including but not limited to reasonable attorneys fees, incurred by CTRS in enforcing its rights pursuant to this Agreement. In addition, Applicant shall be responsible for and pay CTRS Liquidated Damages equal to \$15 per day for each Stall that Applicant refuses to vacate and give up peacefully from the day Applicant was to vacate the stall space as directed by CTRS until the day Applicant vacates the stall space. Applicant hereby agrees that the Liquidated Damages set forth herein represents a fair estimate and adjustment between the parties regarding damages.
  - This License shall automatically terminate in the event Applicant's Occupational Permit as a Trainer is suspended or revoked and Applicant shall be required to vacate the stalls within three (3) days of such suspension or revocation.
- CTRS may refuse admittance to or eject anyone whom it considers undesirable in accordance with applicable law.
- CTRS shall not be liable or responsible for, and Applicant agrees to indemnify and hold harmless CTRS, its affiliated entities, their respective directors, officers and employees from, any and all claims or suits alleging any personal injury and/or property damage, caused or suffered by Applicant, any individuals performing services on behalf of Applicant or making deliveries to Applicant, or otherwise present on CTRS' property as a result of this License Agreement, including by way of example and not limitation, grooms, exercise riders, jockeys, blacksmiths, veterinarians, visitors and any minors who Applicant permits or tolerates being present on CTRS' property. Applicant, on behalf of himself and all owners of horses in his care or custody, assumes the risk for all injury to horses or equipment in the custody, ownership or control of Applicant regardless of the cause. The cost of removal of any dead horse is as provided for in the Agreement between CTRS and the Charles Town Horsemen's Benevolent and Protective Association dated as of December 21, 2004.
- No pony is permitted with less than eight (8) horses.
- Stall allocations will be made and revised, if necessary, by the CTRS Racing Secretary and he shall solely determine all conflicting claims of stable privileges. Cooperation with the CTRS Racing Secretary on stall changes is required.
- Horsemen will be allotted stalls with the understanding that their horses are ready to run. All horses must be in physical condition that would permit them to race within 60 days of the date of arrival on the grounds in the sole discretion of the Racing Secretary. CTRS reserves the right to require horsemen to leave the property after a period of inactivity by not entering their horses in races that are available and for which they are eligible.
- Horses that leave the stable area to race at another track for a claiming price of less than our Minimum Claiming Price are not eligible to return.
- No horse shall be allowed to start unless a jockey club registration certificate is on file in the office of the horse identifier and unless the horse has been tattooed.
- All horses approved for stabling at CTRS are subject to be checked for tattoo numbers. Any proposed changes of horses must be approved by the CTRS Racing Secretary. Horses found that are not the ones approved for stabling must be removed immediately. Horses coming and going must be identified at the gate. Any violation of this rule may subject Applicant to refusal of all entries, loss of stalls, fines, and/or eviction.
- Horses that are no longer eligible, as defined on the front page of this application, must be immediately removed from the grounds.
- All horses, including ponies, are required to have a negative Coggins test certificate dated within the past 12 months.
- The Eligibility Rules set forth on the front page of this Revocable Stall License Agreement are incorporated in these terms and conditions by reference. CTRS shall have the right, from time to time to adopt and revise Rules and Regulations for the stable area and such Rules and Regulations are incorporated into and made a part of these terms and conditions by reference. Copies of current Rules and Regulations governing the stable area are available at the office of the Racing Secretary upon request.

The effective or authorized period for the license granted by this Agreement is from January 1, 2008 to June 30, 2008 unless terminated by CTRS prior thereto. This Agreement may not be assigned by Applicant and does not automatically renew. None of the terms of this Agreement or any right to remedy thereunder shall be deemed waived by CTRS, unless such waiver is in writing and in no event by reason of any failure to assert or delay in asserting any such term, right or remedy. If any part of this Agreement is declared unenforceable or invalid the remainder of this Agreement shall survive unless such survival violates the intent of the parties. In the event of a conflict between the terms of this Agreement and any Agreement between CTRS and the Horsemen's Benevolent Protective Association the terms of this Agreement shall govern and control. This Agreement represents the entire Agreement between the parties and supersedes all prior agreements and understandings.

I HAVE READ THE TERMS AND CONDITIONS AND ELIGIBILITY RULES SET FORTH IN THIS APPLICATION AND I AGREE TO OBSERVE THEM AND ALL OTHER TRACK RULES IF GRANTED STALL SPACE AT CTRS.

Trainer's Signature Tim McManus  
 Social Security No. on file  
 Trainer's Address 483 Paulas Circle  
 Approved Leamansville WV 25430

Date \_\_\_\_\_  
 Date of Birth 11-24-56  
 Phone Number 503-720-9522  
304-725-0653  
 WV License No. \_\_\_\_\_

I request space for:

☒ Pony

☐ Walking Machine

Racing Secretary \_\_\_\_\_



*Exhibit 1*

# CHARLES TOWN RACES & SLOTS

VIA HAND DELIVERY

April 25, 2008

Ms. T. Mawing

Re: 2008 Revocable Stall License Agreement ("License Agreement")

Dear Ms. T. Mawing:

Notice is hereby given that PNGI Charles Town Gaming, LLC, t/a "Charles Town Races & Slots" is reducing your stall allocation by 4 stalls. You were previously allocated 9 stalls in Barn 14. With this reduction, you are now allocated 5 stalls in Barn 14.

In accordance with Paragraph 4(a) of the License Agreement, you have fourteen (14) days from receipt of this Notice to vacate stall(s) 61-64 in Barn 14.

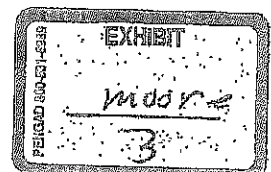
You are reminded that if you fail to vacate the stalls as directed, legal action will be commenced against you to recover possession of the stalls and to collect liquidated damages of \$15 per day per stall for each day from the date you were directed to vacate the stalls until your horses and property are removed.

TAKE NOTE THAT YOU DO NOT HAVE PERMISSION TO OCCUPY ANY OTHER STALLS AT CTRS OR TO ALLOW ANY OTHER INDIVIDUAL TO USE STALLS ALLOCATED TO YOU WITHOUT THE WRITTEN PERMISSION OF THE RACING SECRETARY OR ASSISTANT RACING SECRETARY.

Yours truly,



Richard Moore  
General Manager Racing



From: CTR\_LEGAL

13047244250

09/11/2008 17:34

#065 P.004/099

**2008  
STALL  
APPLICATION  
RACING DATES:**  
September 1 -  
December 31

# CHARLES TOWN RACES & SLOTS™

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

**PHONES:**  
(800) 795-7001  
Racing Office-  
(800) 331-7070  
(304) 725-7001  
**FAX:**  
(304) 724-4326

Track	Charles Town
Barn	14
Stall	
Trainer	Mawing



**DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION**

**VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!**

**No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows**

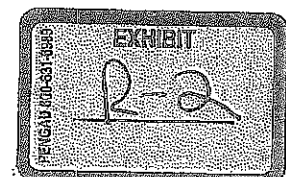
## Eligibility Rules

- Entries will not be accepted or stalls allocated:
  - To horses, which have started for the Minimum Claiming Price or less and since then have not finished first, second, or third for the Minimum Claiming Price in their next five starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by CTRS in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their next five starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by CTRS in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before February 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Charles Town Races and Slots ("CTRS") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by CTRS in all races for which they qualify. Subject to the terms and conditions on the reverse side of this application, it is expected that you will average eight (8) starts per allocated stall on an annualized basis.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.

NAME OF HORSE USE	SEX	MD	CLAIMING	LONG	LAST START	NAME OF	OFFICE
1. Up to Mischief	G	No	5TK	✓	8/9/08	Malgarni	
2. OCTAVIO	G	No	7500	✓	7/22/08	Dehner	
3. Queens English	M	No	10K + ALW	L/S	7/14/08	Mawing	
4. Saranna Dawn	F	Yes	MSW	S	8/2/08	Williamson	
5. Vena E	F	No	ALW	L	5/25/08	Williamson	
6. Natural Grump	G	Yes	ALW	4S	10/8/07	Kopacki	
7. Arsiere	G	Yes	MDN 5	L	8/7/08	Mawing	
8. Shes a hot honey	F	Yes	no	L/S	✓	Armaker	
9. Key Prospect	F	Yes	no	L/S	✓	Armaker	
10.							
11.							
12.							
13.							
14.							
15.							

Version: August 1, 2008

APPLICATION DEADLINE August 15, 2008



From: CTR\_LEGAL

13047244250

09/11/2008 17:35

#065 P.005/099

**Revocable Stall License Agreement  
Terms and Conditions**

This Agreement ("Agreement") sets forth the terms and conditions governing the September 1 through December 31, 2008 Race Meeting at Charles Town Races and Slots ("CTRS"). The agreement is not accepted and does not become final until signed by CTRS Racing Secretary.

Applicant agrees that in consideration for and as a condition of the granting of permission to stable and race at CTRS to any or all of the horses listed on this application and any other horses for which stabling may be provided the Applicant agrees to notify all persons, agents or entities for whom he is acting (collectively, the "Affiliates") of the terms and conditions and further agrees to be responsible for any breach of the terms and conditions set forth herein by the Affiliates.

Applicant represents and warrants to CTRS that the Applicant has been granted authority by the Owner(s) of all horses in his care to make this application, to enter this Agreement and to bind such Owner(s) and Applicant as the Trainer of the horses listed on this application, to the terms and conditions of this Agreement.

1. It is understood and agreed that CTRS may assign stall space to any or all of all the horses listed on this Application by the Applicant and Applicant hereby authorizes CTRS to cross out the names of any or all of the horses listed herein to which CTRS does not wish to assign stall space and to assign stall space only to the horses whose names are not crossed out. Applicant agrees to be bound by the terms and conditions of this Agreement as set forth, even though the Agreement may be altered by CTRS with respect to the named horses.
2. This agreement shall not be binding upon CTRS until signed by the CTRS Racing Secretary, and when signed shall obligate CTRS to provide stall space only to those horses listed on this Agreement whose names have not been crossed out by the CTRS Racing Secretary. Except as described herein, NO changes or amendments to this Agreement shall be valid, unless the amendment is in writing and signed by Applicant and the CTRS Racing Secretary.
3. CTRS reserves the right to reject any racing entry for any reason or no reason.
4. (a) It is understood and agreed that this is not a lease of any space, but is merely a revocable license granted by CTRS only on the terms and conditions set forth. CTRS reserves the unrestricted right to decline stall space, reduce the number of stalls allocated, revoke this license at will, for any reason or no reason, and to require any Applicant using stall space to vacate the stalls and move all horses, equipment and personnel off CTRS premises within fourteen (14) days after receiving written notice to vacate from CTRS. Such notice to vacate may be given at any time during the term of this License and for any reason or no reason entirely at the discretion of CTRS.  
(b) Should Applicant fail to vacate the stalls and move all horses, equipment and personnel off CTRS' premises within fourteen (14) days after receiving written notice to vacate from CTRS and should legal recourse become necessary, Applicant shall be responsible for all costs and expenses, including but not limited to reasonable attorneys fees, incurred by CTRS in enforcing its rights pursuant to this Agreement. In addition, Applicant shall be responsible for and pay CTRS Liquidated Damages equal to \$15 per day for each Stall that Applicant refuses to vacate and give up peaceably from the day Applicant was to vacate the stall space as directed by CTRS until the day Applicant vacates the stall space. Applicant hereby agrees that the Liquidated Damages set forth herein represents a fair estimate and adjustment between the parties regarding damages.  
(c) This License shall automatically terminate in the event Applicant's Occupational Permit as a Trainer is suspended or revoked and Applicant shall be required to vacate the stalls within three (3) days of such suspension or revocation.
5. CTRS may refuse admittance to or eject anyone whom it considers undesirable in accordance with applicable law.
6. CTRS shall not be liable or responsible for, and Applicant agrees to indemnify and hold harmless CTRS, its affiliated entities, their respective directors, officers and employees from, any and all claims or suits alleging any personal injury and/or property damage, caused or suffered by Applicant, any individuals performing services on behalf of Applicant or making deliveries to Applicant, or otherwise present on CTRS' property as a result of this License Agreement, including by way of example and not limitation, grooms, exercise riders, jockeys, blacksmiths, veterinarians, visitors and any minors who Applicant permits or tolerates being present on CTRS' property. Applicant, on behalf of himself and all owners of horses in his care or custody, assumes the risk for all injury to horses or equipment in the custody, ownership or control of Applicant regardless of the cause. The cost of removal of any dead horse is as provided for in the Agreement between CTRS and the Charles Town Horsemen's Benevolent and Protective Association dated as of December 21, 2004.
7. No pony is permitted with less than eight (8) horses.
8. Stall allocations will be made and revised, if necessary, by the CTRS Racing Secretary and he shall solely determine all conflicting claims of stable privileges. Cooperation with the CTRS Racing Secretary on stall changes is required.
9. Horsemen will be allotted stalls with the understanding that their horses are ready to run. All horses must be in physical condition that would permit them to race within 50 days of the date of arrival on the grounds in the sole discretion of the Racing Secretary. CTRS reserves the right to require horsemen to leave the property after a period of inactivity by not entering their horses in races that are available and for which they are eligible.
10. Horses that leave the stable area to race at another track for a claiming price of less than our Minimum Claiming Price are not eligible to return.
11. No horse shall be allowed to start unless a jockey club registration certificate is on file in the office of the horse identifier and unless the horse has been tattooed.
12. All horses approved for stabling at CTRS are subject to be checked for tattoo numbers. Any proposed changes of horses must be approved by the CTRS Racing Secretary. Horses found that are not the ones approved for stabling must be removed immediately. Horses coming and going must be identified at the gate. Any violation of this rule may subject Applicant to refusal of all entries, loss of stalls, fines, and/or eviction.
13. Horses that are no longer eligible, as defined on the front page of this application, must be immediately removed from the grounds.
14. All horses, including ponies, are required to have a negative Coggins test certificate dated within the past 12 months.
15. The Eligibility Rules set forth on the front page of this Revocable Stall License Agreement are incorporated in these terms and conditions by reference. CTRS shall have the right, from time to time to adopt and revise Rules and Regulations for the stable area and such Rules and Regulations are incorporated into and made a part of these terms and conditions by reference. Copies of current Rules and Regulations governing the stable area are available at the office of the Racing Secretary upon request.

The effective or authorized period for the license granted by this Agreement is from September 1 through December 31, 2008 unless terminated by CTRS prior thereto. This Agreement may not be assigned by Applicant and does not automatically renew. None of the terms of this Agreement or any right to remedy thereunder shall be deemed waived by CTRS, unless such waiver is in writing and in no event by reason of any failure to assert or delay in asserting any such term, right or remedy. If any part of this Agreement is declared unenforceable or invalid the remainder of this Agreement shall survive unless such survival violates the intent of the parties. In the event of a conflict between the terms of this Agreement and any Agreement between CTRS and the Horsemen's Benevolent Protective Association the terms of this Agreement shall govern and control. This Agreement represents the entire Agreement between the parties and supersedes all prior agreements and understandings.

I HAVE READ THE TERMS AND CONDITIONS AND ELIGIBILITY RULES SET FORTH IN THIS APPLICATION AND I AGREE TO OBSERVE THEM AND ALL OTHER TRACK RULES IF GRANTED STALL SPACE AT CTRS.

Trainer's Signature [Signature]Date 8-8-08

Social Security No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

Trainer's Address 483 Paulas CirclePhone Number 503-720-9522Approved Plainsville, WV 25430

WV License No. \_\_\_\_\_

I request space for:

☒ Pony☐ Walking Machine

Racing Secretary \_\_\_\_\_

# CHARLES TOWN RACES & SLOTS

Date: August 29, 2008

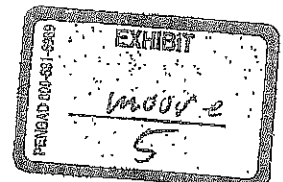
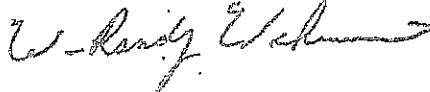
Dear Ms. Tina Mawing:

The Stall Allocation Committee of Charles Town Races & Slots ("CTRS") has reviewed your 2008 Stall Application (for the period covering September 1, 2008 through December 31, 2008). There is a large demand for stalls. Based upon the Committee's review and in the exercise of its discretion, CTRS is unable to allocate any stalls to you for the remainder of 2008.

You have fourteen (14) days from receipt of this notice to vacate the number of stalls currently allocated to you for 2008. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

Yours Truly,

Randy Wehrman, Racing Secretary



Post Office Box 551, Charles Town, WV 25414 Phone: 304.725.7001, Fax: 304.725.6979



# CHARLES TOWN RACES & SLOTS

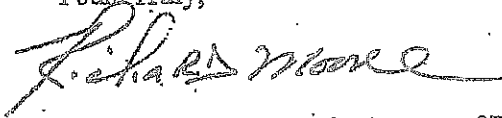
Date: September 12, 2008

Dear Ms. Tina Mawing:

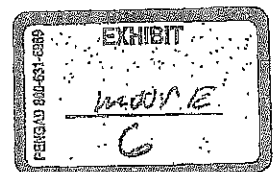
As you are aware, the Stall Allocation Committee of Charles Town Races & Slots ("CTRS") has reviewed your 2008 Stall Application (for the period covering September 1, 2008 through December 31, 2008). There is a large demand for stalls. Based upon the Committee's review and in the exercise of its discretion, CTRS is unable to allocate any stalls to you for the remainder of 2008.

On August 29, 2008, we extended you a fourteen (14) day window from the receipt of notice to vacate the number of stalls currently allocated to you for 2008. As a courtesy, we have agreed to extend this window. You must vacate the number of stalls previously allocated to you for 2008 by no later than noon on Wednesday, September 17, 2008. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

Yours Truly,



Richard Moore, General Manager of Racing



**2009  
STALL  
APPLICATION  
RACING DATES:**  
January 1 -  
June 30

# CHARLES TOWN RACES & SLOTS™

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

**PHONES:**  
(800) 795-7001  
**Racing Office-**  
(800) 331-7070  
(304) 725-7001  
**FAX:**  
(304) 724-4326

**DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION**

**VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!**

**No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows**

## Eligibility Rules

### 1. Entries will not be accepted or stalls allocated:

- To horses, which have started for the Minimum Claiming Price or less and have not finished first, second, or third for the Minimum Claiming Price in their seven starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by CTRS in its sole and non-reviewable discretion.
- Any maiden 6 years old or older.
- Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
- Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
- Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by CTRS in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
- Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
- No two year old is permitted on the grounds before February 15th.

### 2. Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Charles Town Races and Slots ("CTRS") Racing Program.

### 3. Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by CTRS in all races for which they qualify.

### 4. Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.

Track
Barn
Stall
Trainer

**NO DOGS  
ALLOWED**



NAME OF HORSE USE	SEX	AGE	MD	CLAIMING	LONG	LAST START	NAME OF OWNER	OFFICE
1. Lenny Worthy Day	M		N	ALW	4/s		D. Wratzford	
2. Queens English	M		N	ALW	4/s		T. Mawing	
3. Up to Kuschief	G		N	ALW	L		M. Mawing & Mawing	
4. Octawio	G		N	7500	L		Krista Schmitt	
5. Arsiro	G		Y	5000	L		T. Mawing	
6. Jenny's Vow	F		Y	ALW	S		D. Wratzford	
7. Vera E.	F		N	10000	4/s		G. Williamson	
8. Shes a Hot Honey	F		Y	ALW	S		T. Mawing & Annaker	
9. Key Prospect	F		Y	ALW	S		Mawing & Annaker	
10. Savannah Dawn	F		Y	ALW	S		G. Williamson	
11.								
12.								
13.								
14.								
15.								

**APPLICATION DEADLINE December 15, 2008**

C-16

# CHARLES TOWN RACES & SLOTS

Ms. Tina Mawing

Date: December 17, 2009

Re: Revocable Stall License Agreement –  
January 1, 2010 through June 30, 2010

Dear Ms. Mawing:

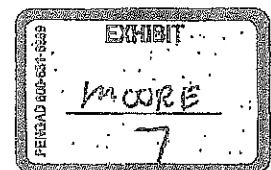
The Stall Allocation Committee of Charles Town Races & Slots ("CTRS") has reviewed your Stall Application for the period covering January 1, 2010 through June 30, 2010. Based upon the Committee's review and in the exercise of its discretion, CTRS is unable to allocate any stalls to you for this period in 2010.

If you are currently allocated stalls, you have fourteen (14) days from receipt of this notice to vacate the number of stalls currently allocated to you for 2009. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

Yours Truly,



Randy Wehrman  
Racing Secretary



2009

STALL

APPLICATION

RACING DATES:

July 1 -

December 31

## CHARLES TOWN RACES &amp; SLOTS™

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

PHONES:

(800) 795-7001

Racing Office-

(800) 331-7070

(304) 725-7001

FAX:

(304) 724-4326

## Eligibility Rules

1. Entries will not be accepted or stalls allocated:

- To horses, which have started for the Minimum Claiming Price or less and have not finished first, second, or third for the Minimum Claiming Price in their seven starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph: 1a shall be determined by CTRS in its sole and non-reviewable discretion.
- Any maiden 6 years old or older.
- Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven-starts since starting for Maiden \$5,000.
- Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
- Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by CTRS in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
- Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
- No two year old is permitted on the grounds before February 15th.

2. Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Charles Town Races and Slots ("CTRS") Racing Program.

3. Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by CTRS in all races for which they qualify.

4. Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/ or eviction.

Track

CHARLES TOWN

Barn

Stall

Trainer

TINA MAWING

NO DOGS  
ALLOWEDDO NOT SHIP  
WITHOUT STALL  
CONFIRMATIONVALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows

NAME OF HORSE	SEX	AGE	MD	CLAIMING	LONG	LAST START OWNER	NAME OF USE	OFFICE
1. VIVA E	F			4000 - 6000	4 1/2			
2. QUEEN'S ENGLISH	F			15000 →	6 1/2 - 7.			
3. MERRY MONT HOF MAN				ALW.	6 1/2 - 7			
4. WEST HAMPSHIRE WAY				MSW	6 1/2			
5. MARGARET'S RUBY				MSW.	6 1/2 →			
6. KITY PROSPECT.				5000 →	4 1/2			
7. SHE'S A HOT HONEY				5000 →	4 1/2			
8. JANNY'S UICW				ALW.	4 1/2			
9. SAVANNA DAWN				ALW.	4 1/2			
10. YES QUI SI				MSW	4 1/2 → 6 1/2			
11. SMOKING BOBBY				MSW	6 1/2 → 6 1/2			
12. ANOTHER ORED				MSW	6 1/2 → 6 1/2			
13. VINCE APLETT				MSW	6 1/2			
4. UP TO MISCHIEF				10000 →	6 1/2 - 7.			
5. ARSIERO.				5000 →	6 1/2 - 7.			

APPLICATION DEADLINE June 15, 2009



This Agreement ("Agreement") sets forth the terms and conditions governing the July 1 through December 31, 2009 Race Meeting at Charles Town Races and Slots ("CTRS"). The agreement is not accepted and does not become final until signed by CTRS Racing Secretary.

Applicant agrees that in consideration for and as a condition of the granting of permission to stable and race at CTRS to any or all of the horses listed on this application and any other horses for which stabling may be provided the Applicant agrees to notify all persons, agents or entities for whom he is acting (collectively, the "Affiliates") terms and conditions and further agrees to be responsible for any breach of the terms and conditions set forth herein by the Affiliates.

Applicant represents and warrants to CTRS that the Applicant has been granted authority by the Owner(s) of all horses in his care to make this application, to enter this Agreement and to bind such Owner(s) and Applicant as the Trainer of the horses listed on this application, to the terms and conditions of this Agreement.

1. It is understood and agreed that CTRS may assign stall space to any or all of all the horses listed on this Application by the Applicant and Applicant hereby authorizes CTRS to cross out the names of any or all of the horses listed herein to which CTRS does not wish to assign stall space and to assign stall space only to the horses whose names are not crossed out. Applicant agrees to be bound by the terms and conditions of this Agreement as set forth, even though the Agreement may be altered by CTRS with respect to the named horses.
2. This agreement shall not be binding upon CTRS until signed by the CTRS Racing Secretary, and when signed shall obligate CTRS to provide stall space only to those horses listed on this Agreement whose names have not been crossed out by the CTRS Racing Secretary. Except as described herein, NO changes or amendments to this Agreement shall be valid, unless the amendment is in writing and signed by Applicant and the CTRS Racing Secretary.
3. CTRS reserves the right to reject any racing entry for any reason or no reason.
4. (a) It is understood and agreed that this is not a lease of any space, but is merely a revocable license granted by CTRS only on the terms and conditions set forth. CTRS reserves the unrestricted right to decline stall space, reduce the number of stalls allocated, revoke this license at will, for any reason or no reason, and to require any Applicant using stall space to vacate the stalls and move all horses, equipment and personnel off CTRS premises within fourteen (14) days after receiving written notice to vacate from CTRS. Such notice to vacate may be given at any time during the term of this License and for any reason or no reason entirely at the discretion of CTRS.  
(b) Should Applicant fail to vacate the stalls and move all horses, equipment and personnel off CTRS' premises within fourteen (14) days after receiving written notice to vacate from CTRS and should legal recourse become necessary, Applicant shall be responsible for all costs and expenses, including but not limited to reasonable attorneys fees, incurred by CTRS in enforcing its rights pursuant to this Agreement. In addition, Applicant shall be responsible for and pay CTRS Liquidated Damages equal to \$15 per day for each Stall that Applicant refuses to vacate and give up peaceably from the day Applicant was to vacate the stall space as directed by CTRS until the day Applicant vacates the stall space. Applicant hereby agrees that the Liquidated Damages set forth herein represents a fair estimate and adjustment between the parties regarding damages.  
(c) This License shall automatically terminate in the event Applicant's Occupational Permit as a Trainer is suspended or revoked and Applicant shall be required to vacate the stalls within three (3) days of such suspension or revocation.
5. CTRS may refuse admittance to or eject anyone whom it considers undesirable in accordance with applicable law.
6. CTRS shall not be liable or responsible for, and Applicant agrees to indemnify and hold harmless CTRS, its affiliated entities, their respective directors, officers and employees from, any and all claims or suits alleging any personal injury and/or property damage, caused or suffered by Applicant, any individuals performing services on behalf of Applicant or making deliveries to Applicant, or otherwise present on CTRS' property as a result of this License Agreement, including by way of example and not limitation, grooms, exercise riders, jockeys, blacksmiths, veterinarians, visitors and any minors who Applicant permits or tolerates being present on CTRS' property. Applicant, on behalf of himself and all owners of horses in his care or custody, assumes the risk for all injury to horses or equipment in the custody, ownership or control of Applicant regardless of the cause. The cost of removal of any dead horse is as provided for in the Agreement between CTRS and the Charles Town Horsemen's Benevolent and Protective Association dated as of December 21, 2004.
7. Pony is permitted with less than eight (8) horses.
8. Stall allocations will be made and revised, if necessary, by the CTRS Racing Secretary and he shall solely determine all conflicting claims of stable privileges. Cooperation with the CTRS Racing Secretary on stall changes is required.
9. Horsemen will be allotted stalls with the understanding that their horses are ready to run. All horses must be in physical condition that would permit them to race within 60 days of the date of arrival on the grounds in the sole discretion of the Racing Secretary. CTRS reserves the right to require horsemen to leave the property after a period of inactivity by not entering their horses in races that are available and for which they are eligible.
10. Horses that leave the stable area to race at another track for a claiming price of less than our Minimum Claiming Price are not eligible to return.
11. No horse shall be allowed to start unless a jockey club registration certificate is on file in the office of the horse identifier and unless the horse has been tattooed.
12. All horses approved for stabling at CTRS are subject to be checked for tattoo numbers. Any proposed changes of horses must be approved by the CTRS Racing Secretary. Horses found that are not the ones approved for stabling must be removed immediately. Horses coming and going must be identified at the gate. Any violation of this rule may subject Applicant to refusal of all entries, loss of stalls, fines, and/ or eviction.
13. Horses that are no longer eligible, as defined on the front page of this application, must be immediately removed from the grounds.
14. All horses, including ponies, are required to have a negative Coggins test certificate dated within the past 12 months.
15. The Eligibility Rules set forth on the front page of this Revocable Stall License Agreement are incorporated in these terms and conditions by reference. CTRS shall have the right, from time to time to adopt and revise Rules and Regulations for the stable area and such Rules and Regulations are incorporated into and made a part of these terms and conditions by reference. Copies of current Rules and Regulations governing the stable area are available at the office of the Racing Secretary upon request.

The effective or authorized period for the license granted by this Agreement is from July 1 through December 31, 2009 unless terminated by CTRS prior thereto. This agreement may not be assigned by Applicant and does not automatically renew. None of the terms of this Agreement or any right to remedy thereunder shall be deemed waived by CTRS, unless such waiver is in writing and in no event by reason of any failure to assert or delay in asserting any such term, right or remedy. If any part of this Agreement is declared unenforceable or invalid the remainder of this Agreement shall survive unless such survival violates the intent of the parties. This Agreement represents the entire Agreement between the parties and supersedes all prior agreements and understandings, written or otherwise between CTRS and applicant.

HAVE READ THE TERMS AND CONDITIONS AND ELIGIBILITY RULES SET FORTH IN THIS APPLICATION AND I AGREE TO OBSERVE THEM AND ALL OTHER TRACK RULES IF GRANTED STALL SPACE AT CTRS.

Trainer's Signature [Signature]  
Signed under duress. Contract of adhesion  
Social Security No. \_\_\_\_\_  
Residence Address 483 PAULAS CIRCLE, MIDDLEBURY, WV  
Approved \_\_\_\_\_

Date 06-14-09  
Date of Birth \_\_\_\_\_  
Phone Number (503) 720 9522  
WV License No. \_\_\_\_\_

request space for:  
☒ Pony ☐ Walking Machine Racing Secretary \_\_\_\_\_

# CHARLES TOWN RACES & SLOTS

Ms. Tina Malgarini-Mawing

Date: June 25, 2009

Dear Ms. Malgarini-Mawing,

The Stall Allocation Committee of Charles Town Races & Slots ("CTRS") has reviewed your 2009 Stall Application (for the period covering July 1, 2009 through December 31, 2009). Based upon the Committee's review and in the exercise of its discretion, CTRS is unable to allocate any stalls to you for this period in 2009.

If you are currently allocated stalls, you have fourteen (14) days from receipt of this notice to vacate the number of stalls currently allocated to you for the period covering January 1, 2009 to June 30, 2009. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

Yours Truly,



Randy Wehrman  
Racing Secretary

New

2010  
STALL  
APPLICATION  
RACING DATES:  
July 1 -  
December 31

# CHARLES TOWN RACES & SLOTS™

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

PHONES:  
(800) 795-7001  
RACING OFFICE:  
(800) 331-7070  
(304) 725-7001  
FAX:  
(304) 724-4326

Track	CHARLES TOWN
Barn	
Stall	
Trainer	TINA MAWING

NO DOGS  
ALLOWED



## Eligibility Rules

- Entries will not be accepted or stalls allocated:
  - To horses, which have started for the Minimum Claiming Price or less and have not finished first, second, third or fourth for the Minimum Claiming Price in their seven starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by CTRS in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by CTRS in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before February 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Charles Town Races and Slots ("CTRS") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by CTRS in all races for which they qualify.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.

DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION

VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!

No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows

NAME OF HORSE	SEX	AGE	MD	CLAIMING OR ALLOWANCE	LONG/ SHORT	LAST START OWNER	NAME OF CURRENT OWNER	OFFICE
1. WEST HAMPSHIRE WAY	G	4		10000	L		HAMPSHIRE RACING	
2. ANOTHER ORGO	G	3		MSW	S		TINA M. G. WILLIAMSON	
3. QUEBENS ENGLISH	M	6		8-12.5	62-7		T. MAWING	
4. UP TO MISCHIEF	G	5		5-8	62-7		T. MAWING	
5. YES QUI SI	G	3		M.S.W	S		T. MAWING	
6. SUE'S A HOT MONY	M	4		5000	S		T. MAWING	
7. SAVANNA BAWN	M	4		8-10	S		G. WILLIAMSON	
8. ARSIERO	G	5		5000-8	62-7		T. MAWING	
9. MARGARETS RUM	F	3		MD 5000	S		T. MAWING	
10.								
11.								
12.								
13.								
14.								
15.								

APPLICATION DEADLINE June 15, 2010  
CONTRACT OF ADhesion.



**2011  
STALL  
APPLICATION  
RACING DATES:**  
January 1 -  
June 30

# HOLLYWOOD Casino

**AT CHARLES TOWN RACES**  
P.O. BOX 551, CHARLES TOWN, WV 25414-0551

**PHONES:**  
(800) 795-7001  
**RACING OFFICE:**  
(800) 331-7070  
(304) 725-7001  
**FAX:**  
(304) 724-4326

Track	C.T.
Barn	
Stall	
Trainer	TINA MAWING

## Eligibility Rules

- Entries will not be accepted or stalls allocated:
  - To horses, which have started for the Minimum Claiming Price or less and have not finished first, second, third or fourth for the Minimum Claiming Price in their seven starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by HCCTR in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by HCCTR in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before February 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Hollywood Casino at Charles Town Races ("HCCTR") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by HCCTR in all races for which they qualify.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.
- Workers Compensation Requirement: This application will not be considered unless a Certificate of Insurance is attached evidencing that the Applicant has procured workers compensation insurance, in statutorily required limits, covering individual performing services on Applicant's behalf. This provision applies without regard to how Applicant may classify such individuals.

**DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION**

**VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!**

**No Smoking  
Permitted in or  
Around Stalls,  
Feed Rooms or  
Shedrows**

**All ponies must  
be clearly marked  
as such on this  
Stall Application**

**NO DOGS  
ALLOWED**



NAME OF HORSE	SEX	AGE	MD	CLAIMING OR ALLOWANCE	LONG/SHORT	LAST START OWNER	NAME OF CURRENT OWNER	OFFICE
1. QUEENS ENGLISH	M	6		CLAIMING	SHORT/L	T. MAWING	T. MAWING	
2. ANTHONY OREO	G	3		ALLOW.	SHORT/L	T.M. F.G. WILLIAMSON	T.M. F.G. WILLIAMSON	
3. MARGARETS RUBY	F	3		CLAIMING	SHORT/L	T. MAWING	T. MAWING	
4. UP TO MISCHIEF	G	5		CLAIMING	SHORT/L	T. MAWING	T. MAWING	
5. ARSIED	G	5		CLAIMING	SHORT/L	T. MAWING	T. MAWING	
6. CATHEDRAL PEARL	F	2		MSW	SHORT	T. MAWING	T. MAWING & G. WILLIAMSON	
7. LUCKY LIPS LOUIS	C	2		MSW	SHORT	T. MAWING	T. MAWING	
8. YES OW SI	G	3		MSW	SHORT/L	MALGARINI & COGGAN	MALGARINI & COGGAN	
9.								
10.								
11.								
12.								
13.								
14.								
15.								

**APPLICATION DEADLINE December 10, 2010**



HOLLYWOOD  
*Casino*  
AT CHARLES TOWN RACES

Ms. Tina Mawing

Date: December 15, 2010

Re: Revocable Stall License Agreement –  
January 1, 2011 through June 30, 2011

Dear Ms. Mawing:

The Stall Allocation Committee of Hollywood Casino at Charles Town Races ("HCCTR") has reviewed your 2011 Stall Application (for the period covering January 1, 2011 through June 30, 2011). Based upon the Committee's review and in the exercise of its discretion, HCCTR is unable to allocate any stalls to you for this period in 2011.

If you are currently allocated stalls, you have fourteen (14) days from receipt of this notice to vacate the number of stalls currently allocated to you for 2010. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

HCCTR management wishes you a successful 2011 racing year.

Yours Truly,  
Hollywood Casino at Charles Town Races Stall Allocation Committee

HOLLYWOOD  
Casino

## AT CHARLES TOWN RACES

P.O. BOX 551, CHARLES TOWN, WV 25414-0551

**PHONES:**  
(800) 795-7001  
**RACING OFFICE:**  
(800) 331-7070  
(304) 725-7001  
**FAX:**  
(304) 724-4326

Track
Barn
Stall
Trainer <i>TINA</i>

MARGARET  
MAYING



1. Entries will not be accepted or stalls allocated:
  - a) To horses, which have started for the Minimum Claiming Price or less and have not finished first, second, third or fourth for the Minimum Claiming Price in their seven starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by HCCTR in its sole and non-reviewable discretion.
  - b) Any maiden 6 years old or older with 10 or more lifetime starts.
  - c) Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
  - d) Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - e) Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by HCCTR in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - f) Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - g) No two year old is permitted on the grounds before February 15<sup>th</sup>.
2. Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Hollywood Casino at Charles Town Races ("HCCTR") Racing Program.
3. Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by HCCTR in all races for which they qualify.
4. Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.
5. Workers Compensation Requirement: This application will not be considered unless a Certificate of Insurance is attached evidencing that the Applicant has procured workers compensation insurance, in statutorily required limits, covering individual performing services on Applicant's behalf. This provision applies without regard to how Applicant may classify such individuals.

DO NOT SHIP  
WITHOUT STALL  
CONFIRMATION

**VALID COGGINS  
TEST REQUIRED  
ON ALL  
HORSES!**

**No Smoking  
Permitted In or  
Around Stalls,  
Feed Rooms or  
Shedrows**

**All ponies must  
be clearly marked  
as such on this  
Stall Application**

NAME OF HORSE	SEX	AGE	MD	CLAIMING OR ALLOWANCE	LONG/SHORT	LAST START OWNER	NAME OF CURRENT OWNER	OFFICE
1. another Oreo	G	4		ALW	L	MANING	MANING	
2. Yes oui Si	G	4		ALW	S	MALGARINI	- COOGA	
3. West Hampshire								
4. Way G	G	5		ALW	L	West Hampshire Way Spting	Maning	
5. Queens English M	M	6		CLM	4/5	Manning	MANING	
6. Lucky Lips								
7. House C	C	2	✓	ALW		MANING	MANING	
8. Johns Glory Billy	Billy	2	✓	ALW		MANING	MANING	
9. Cathedral Peak p	p	2	✓	ALW		unstarted	MANING	
10.							will Ransom	
11.								
12.								
13.								
14.								
15.								

**APPLICATION DEADLINE June 10, 2011**

C-25

HOLLYWOOD  
*Casino*  
AT CHARLES TOWN RACES

Ms. Tina Mawing

Date: June 21, 2011

Re: Revocable Stall License Agreement –  
July 1, 2011 through December 31, 2011

Dear Ms. Mawing:

The Stall Allocation Committee of Hollywood Casino at Charles Town Races ("HCCTR") has reviewed your 2011 Stall Application (for the period covering July 1, 2011 through December 31, 2011). Based upon the Committee's review and in the exercise of its discretion, HCCTR is unable to allocate any stalls to you for this period in 2011.

If you are currently allocated stalls, you have fourteen (14) days from receipt of this notice to vacate all stalls allocated to you for the first six (6) months of 2011. Your attention is directed to Paragraph 4(b) which sets forth the costs and expenses you will incur should you fail to vacate the stalls in a timely manner.

HCCTR management wishes you a successful second half of the 2011 racing year.

Yours Truly,  
Hollywood Casino at Charles Town Races Stall Allocation Committee

**2012**  
**STALL**  
**APPLICATION**  
**RACING DATES:**  
 July 1 -  
 December 31

**HOLLYWOOD**  
*Casino*

**AT CHARLES TOWN RACES**

**P.O. BOX 551, CHARLES TOWN, WV 25414-0551**

**PHONES:**  
 (800) 795-7001  
**RACING OFFICE**  
 (800) 331-7070  
 (304) 725-7001  
**FAX:**  
 (304) 724-4326

Track
Barnd 6-980
Stall
J. MAWING
Trainer



**Eligibility Rules**

- Entries will not be accepted or stalls allocated:
  - To horses, which have not finished first, second, third or fourth in seven consecutive starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by HCCTR in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older with 10 or more lifetime starts.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by HCCTR in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before February 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Hollywood Casino at Charles Town Races ("HCCTR") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by HCCTR in all races for which they qualify.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/ or eviction.
- Workers Compensation Requirement: This application will not be considered unless a Certificate of Insurance is attached evidencing that the Applicant has procured workers compensation insurance, in statutorily required limits, covering individual performing services on Applicant's behalf. This provision applies without regard to how Applicant may classify such individuals.

**DO NOT SHIP WITHOUT STALL CONFIRMATION**

**VALID COGGING TEST REQUIRED ON ALL HORSES!**

**No Smoking Permitted in or Around Stalls, Feed Rooms or Shedrows**

**All ponies must be clearly marked as such on this Stall Application**

NAME OF HORSE	SEX	AGE	MD	CLAIMING OR ALLOWANCE	LONG/SHORT	LAST START OWNER	NAME OF CURRENT OWNER	OFFICE
1. Another Oreo	G	6		ALW/STK	L	MAWING	SAME	
2. Yes Qui Si	G	5		ALW	S	MALGARINI/COOGAN	SAME	
3. Up to Mischief	G	7		CLM	L	MALGARINI	SAME	
4. Smoker Bobbie	G	6		ALW	L	WILLIAMSON	SAME	
5. Cathedral Peak	F	3	V	ALW	S	MAWING	SAME	
6. Lucky Lips Louie	G	3	V	ALW	S/L	MAWING	SAME	
7. Hale Bop	G	2	V	NS		MALGARINI	MAWING	
8. John's Glory	F	3	V	NS		MALGARINI	MAWING	
9. Nick's Monster	G	4		ALW	L	NORMA RADNEY	SAME	
10. Ghost of Halo	G	2		NS		MAWING	SAME	
11. Queens English	G	5		CLM	H/S	MAWING	SAME	
12.								
13.								
14.								
15.								

**APPLICATION DEADLINE June 10, 2012**



Revocable Stall License Agreement  
Terms and Conditions

This Agreement ("Agreement") sets forth the terms and conditions governing the July 1 through December 31, 2012 Race Meeting at Hollywood Casino at Charles Town Races ("HCCTR"). The agreement is not accepted and does not become final until signed by HCCTR Racing Secretary.

Applicant agrees that in consideration for and as a condition of the granting of permission to stable and race at HCCTR to any or all of the horses listed on this application and any other horses for which stabling may be provided the Applicant agrees to notify all persons, agents or entities for whom he is acting (collectively, the "Affiliates") of the terms and conditions and further agrees to be responsible for any breach of the terms and conditions set forth herein by the Affiliates.

Applicant represents and warrants to HCCTR that the Applicant has been granted authority by the Owner(s) of all horses in his care to make this application, to enter this Agreement and to bind such Owner(s) and Applicant as the Trainer of the horses listed on this application, to the terms and conditions of this Agreement.

1. It is understood and agreed that HCCTR may assign stall space to any or all of the horses listed on this Application by the Applicant and Applicant hereby authorizes HCCTR to cross out the names of any or all of the horses listed herein to which HCCTR does not wish to assign stall space and to assign stall space only to the horses whose names are not crossed out. Applicant agrees to be bound by the terms and conditions of this Agreement as set forth, even though the Agreement may be altered by HCCTR with respect to the named horses.
2. This agreement shall not be binding upon HCCTR until signed by the HCCTR Racing Secretary, and when signed shall obligate HCCTR to provide stall space only to those horses listed on this Agreement whose names have not been crossed out by the HCCTR Racing Secretary. Except as described herein, NO changes or amendments to this Agreement shall be valid, unless the amendment is in writing and signed by Applicant and the HCCTR Racing Secretary.
3. HCCTR reserves the right to reject any racing entry for any reason or no reason.
4. (a) It is understood and agreed that this is not a lease of any space, but is merely a revocable license granted by HCCTR only on the terms and conditions set forth. HCCTR reserves the unrestricted right to decline stall space, reduce the number of stalls allocated, revoke this license at will, for any reason or no reason, and to require any Applicant using stall space to vacate the stalls and move all horses, equipment and personnel off HCCTR premises within fourteen (14) days after receiving written notice to vacate from HCCTR. Such notice to vacate may be given at any time during the term of this License and for any reason or no reason entirely at the discretion of HCCTR.  
(b) Should Applicant fail to vacate the stalls and move all horses, equipment and personnel off HCCTR premises within fourteen (14) days after receiving written notice to vacate from HCCTR and should legal recourse become necessary, Applicant shall be responsible for all costs and expenses, including but not limited to reasonable attorneys fees, incurred by HCCTR in enforcing its rights pursuant to this Agreement. In addition, Applicant shall be responsible for and pay HCCTR Liquidated Damages equal to \$15 per day for each Stall that Applicant refuses to vacate and give up peacefully from the day Applicant was to vacate the stall space as directed by HCCTR until the day Applicant vacates the stall space. Applicant hereby agrees that the Liquidated Damages set forth herein represents a fair estimate and adjustment between the parties regarding damages.  
(c) This License shall automatically terminate in the event Applicant's Occupational Permit as a Trainer is suspended or revoked and Applicant shall be required to vacate the stalls within three (3) days of such suspension or revocation.
5. HCCTR may refuse admittance to or eject anyone whom it considers undesirable in accordance with applicable law.
6. HCCTR shall not be liable or responsible for, and Applicant agrees to indemnify and hold harmless HCCTR, its affiliated entities, their respective directors, officers and employees from, any and all claims or suits alleging any personal injury and/or property damage, caused or suffered by Applicant, any individuals performing services on behalf of Applicant or making deliveries to Applicant, or otherwise present on HCCTR property as a result of this License Agreement, including by way of example and not limitation, grooms, exercise riders, jockeys, blacksmiths, veterinarians, visitors and any minors who Applicant permits or tolerates being present on HCCTR property. Applicant, on behalf of himself and all owners of horses in his care or custody, assumes the risk for all injury to horses or equipment in the custody, ownership or control of Applicant regardless of the cause. The cost of removal of any dead horse is as provided for in the Agreement between HCCTR and the Charles Town Horsemen's Benevolent and Protective Association dated as of February 20, 2009.
7. During the term of any license that may be granted, Applicant shall purchase and maintain workers compensation insurance in statutorily required limits, covering the individuals who are performing services on Applicant's behalf. This provision applies to all Applicants who have individuals other than themselves, performing services, without regard to how the horsemen may classify such individuals.
8. No pony is permitted with less than ten (10) stalls and requires approval by the HCCTR Racing Secretary. If those conditions are met, one (1) pony will be permitted.
9. Stall allocations will be made and revised, if necessary, by the HCCTR Racing Secretary and he shall solely determine all conflicting claims of stable privileges. Cooperation with the HCCTR Racing Secretary on stall changes is required.
10. Horsemen will be allotted stalls with the understanding that their horses are ready to run. All horses must be in physical condition that would permit them to race within 60 days of the date of arrival on the grounds in the sole discretion of the Racing Secretary. HCCTR reserves the right to require horsemen to leave the property after a period of inactivity by not entering their horses in races that are available and for which they are eligible.
11. Horses that leave the stable area to race at another track without obtaining a race and return from the Racing Secretary may not be allowed back on the grounds at the Racing Secretary's discretion.
12. No horse shall be allowed to start unless a jockey club registration certificate is on file in the office of the horse identifier and unless the horse has been tattooed.
13. All horses approved for stabling at HCCTR are subject to be checked for tattoo numbers. Any proposed changes of horses must be approved by the HCCTR Racing Secretary. Horses found that are not the ones approved for stabling must be removed immediately. Horses coming and going must be identified at the gate. Any violation of this rule may subject Applicant to refusal of all entries, loss of stalls, fines, and/or eviction.
14. Horses that are no longer eligible, as defined on the front page of this application, must be immediately removed from the grounds.
15. All horses, including ponies, are required to have a negative Coggins test certificate dated within the past 12 months.
16. The Eligibility Rules set forth on the front page of this Revocable Stall License Agreement are incorporated in these terms and conditions by reference. HCCTR shall have the right, from time to time to adopt and revise Rules and Regulations for the stable area and such Rules and Regulations are incorporated into and made a part of these terms and conditions by reference. Copies of current Rules and Regulations governing the stable area are available at the office of the Racing Secretary upon request.

The effective or authorized period for the license granted by this Agreement is from July 1 through December 31, 2012 unless terminated by HCCTR prior thereto. This Agreement may not be assigned by Applicant and does not automatically renew. None of the terms of this Agreement or any right to remedy thereunder shall be deemed waived by HCCTR, unless such waiver is in writing and in no event by reason of any failure to assert or delay in asserting any such term, right or remedy. If any part of this Agreement is declared unenforceable or invalid the remainder of this Agreement shall survive unless such survival violates the intent of the parties. This Agreement represents the entire Agreement between the parties and supersedes all prior agreements and understandings, written or otherwise between HCCTR and applicant.

I HAVE READ THE TERMS AND CONDITIONS AND ELIGIBILITY RULES SET FORTH IN THIS APPLICATION AND I AGREE TO OBSERVE THEM AND ALL OTHER TRACK RULES IF GRANTED STALL SPACE AT HCCTR.

Trainer's Signature *Kevin M. Jones* Date 06-10-12  
Social Security No. on file Date of Birth 11-24-56  
Trainer's Address 483 Pauline Cir. Keameysville WV Phone Number 503.720.9522  
Approved \_\_\_\_\_ WV License No. 13487  
I request space for:  
☐ Pony ☒ Racing Secretary

**2013**  
**STALL**  
**APPLICATION**  
**RACING DATES:**  
 Jan 1 -  
 June 30

**HOLLYWOOD**  
*Casino*

**AT CHARLES TOWN RACES**

**P.O. BOX 551, CHARLES TOWN, WV 25414-0551**

**PHONES:**  
 (800) 795-7001  
**RACING OFFICE:**  
 (800) 331-7070  
 (304) 725-7001  
**FAX:**  
 (304) 724-4326

Track
Barn
Stall
Trainer <b>MARGARINI</b> <b>MAWING</b>

**Eligibility Rules**

- Entries will not be accepted or stalls allocated:
  - To horses, which have not finished first, second, third or fourth in seven consecutive starts since starting for the Minimum Claiming Price. The "Minimum Claiming Price" for the purposes of this Paragraph 1a shall be determined by HCCTR in its sole and non-reviewable discretion.
  - Any maiden 6 years old or older with 10 or more lifetime starts.
  - Maidens which have started for a Maiden claiming price of \$5,000 or less and have not finished second, third or fourth for a claiming price of at least Maiden \$4,500 in their last seven starts since starting for Maiden \$5,000.
  - Any horse that has been a three time Bleeder, as that term is defined in the Rules of the West Virginia Racing Commission, within a 12 month period.
  - Horses that are currently racing and receive an injury or illness serious enough such that they cannot compete within a reasonable period of time, as determined by HCCTR in its sole and non-reviewable discretion, as confirmed by a Veterinarian.
  - Horses that are barred in West Virginia or any other Racing Jurisdiction or appear on any Veterinarian, Starter or Steward's List (for reasons including but not limited to Poor Performance.)
  - No two year old is permitted on the grounds before January 15th.
- Eligibility of a horse does not imply automatic approval for a stall as it also includes consideration of potential, performance and participation in Hollywood Casino at Charles Town Races ("HCCTR") Racing Program.
- Applicant shall enter and, if accepted, race the horses listed hereon which have been assigned free stall space by HCCTR in all races for which they qualify.
- Horses that are no longer eligible, as defined above, must be removed from the grounds. If applicant fails to remove horses no longer eligible, he will be subject to refusal of all entries and/or eviction.
- Workers Compensation Requirement: This application will not be considered unless a Certificate of Insurance is attached evidencing that the Applicant has procured workers compensation insurance, in statutorily required limits, covering individual performing services on Applicant's behalf. This provision applies without regard to how Applicant may classify such individuals.

**DO NOT SHIP  
 WITHOUT STALL  
 CONFIRMATION**

**VALID COGGINS  
 TEST REQUIRED  
 ON ALL  
 HORSES!**

**No Smoking  
 Permitted in or  
 Around Stalls,  
 Feed Rooms or  
 Shedrows**

**All ponies must  
 be clearly marked  
 as such on this  
 Stall Application**

**NO DOGS  
 ALLOWED**



NAME OF HORSE	SEX	AGE	MD	CLAIMING OR ALLOWANCE	LONG/SHORT	LAST START OWNER	NAME OF CURRENT OWNER	OFFICE
1. Another Oreo	G	7		ALW	L	MAWING	SAME	
2. Yes Owi Si	G	5		ALW/10	S	MARGARINI - COGGAN		
3. Cathedral Peak	F	3		ALW	S	MAWING - WILLIAMSON		
4. Smoken Bobbe	G	5		ALW	L	WILLIAMSON		
5. Ephesians Time	F	3	V	ALW	S	HAVENS		
6. Nick's Monster	G	4		5000	L	MAWING		
7. Lip to Kischief	G	17		10,000	L	MARGARINI - MAWING		
8. Madeline Rose	F	3		5000	L/S	HAVENS		
9. Lucky Lips Lorne	G	3	V	10,000	L/S	MAWING COGGAN, MARGARINI		
10. Gideon Gun	G	3	V	ALW	L	HAVENS, RALPH	SAME	
11. Ghost of Halo	G	2	V	msw	S	MAWING	MAWING	
12.								
13.								
14.								
15.								

**APPLICATION DEADLINE December 10, 2012**



# Stall License Agreement Terms and Conditions

This Agreement ("Agreement") sets forth the terms and conditions governing the January 1 through June 30, 2013 Race Meeting at Hollywood Casino at Charles Town Races ("HCCTR"). The agreement is not accepted and does not become final until signed by HCCTR Racing Secretary.

Applicant agrees that in consideration for and as a condition of the granting of permission to stable and race at HCCTR to any or all of the horses listed on this application and any other horses for which stabling may be provided the Applicant agrees to notify all persons, agents or entities for whom he is acting (collectively, the "Affiliates") of the terms and conditions and further agrees to be responsible for any breach of the terms and conditions set forth herein by the Affiliates.

Applicant represents and warrants to HCCTR that the Applicant has been granted authority by the Owner(s) of all horses in his care to make this application, to enter this Agreement and to bind such Owner(s) and Applicant as the Trainer of the horses listed on this application, to the terms and conditions of this Agreement.

1. It is understood and agreed that HCCTR may assign stall space to any or all of the horses listed on this application, to the terms and conditions of this Agreement. only to the horses whose names are not crossed out. Applicant agrees to be bound by the terms and conditions of this Agreement as set forth, even though the Agreement may be altered by HCCTR with respect to the named horses.
2. This agreement shall not be binding upon HCCTR until signed by the HCCTR Racing Secretary, and when signed shall obligate HCCTR to provide stall space only to those horses listed on this Agreement whose names have not been crossed out by the HCCTR Racing Secretary. Except as described herein, NO changes or amendments to this Agreement shall be valid, unless the amendment is in writing and signed by Applicant and the HCCTR Racing Secretary.
3. HCCTR reserves the right to reject any racing entry for any reason or no reason.
4. (a) It is understood and agreed that this is not a lease of any space, but is merely a revocable license granted by HCCTR only on the terms and conditions set forth. HCCTR reserves the unrestricted right to decline stall space, reduce the number of stalls allocated, revoke this license at will, for any reason or no reason, and to require any Applicant using stall space to vacate the stalls and move all horses, equipment and personnel off HCCTR premises within fourteen (14) days after receiving written notice to vacate from HCCTR. Such notice to vacate may be given at any time during the term of this License and for any reason or no reason entirely at the discretion of HCCTR.
  - (b) Should Applicant fail to vacate the stalls and move all horses, equipment and personnel off HCCTR premises within fourteen (14) days after receiving written notice to vacate from HCCTR and should legal recourse become necessary, Applicant shall be responsible for all costs and expenses, including but not limited to reasonable attorneys fees, incurred by HCCTR in enforcing its rights pursuant to this Agreement. In addition, Applicant shall be responsible for vacate the stall space as directed by HCCTR until the day Applicant vacates the stall space. Applicant hereby agrees that the Liquidated Damages set forth herein represents a fair estimate and adjustment between the parties regarding damages.
  - (c) This License shall automatically terminate in the event Applicant's Occupational Permit as a Trainer is suspended or revoked and Applicant shall be required to vacate the stalls within three (3) days of such suspension or revocation.

HCCTR shall not be liable or responsible for, and Applicant agrees to indemnify and hold harmless HCCTR, its affiliated entities, their respective directors, officers and employees from, any and all claims or suits alleging any personal injury and/or property damage, caused or suffered by Applicant, any individuals performing services on behalf of Applicant or making deliveries to Applicant, or otherwise present on HCCTR property as a result of this License Agreement, including by way of example and not limitation, grooms, exercise riders, jockeys, blacksmiths, veterinarians, visitors and any minors who Applicant permits or hires or equipment in the custody, ownership or control of Applicant regardless of the cause. The cost of removal of any dead horse is as provided for in the agreement between HCCTR and the Charles Town Horsemen's Benevolent and Protective Association dated as of February 20, 2009.

Individuals who are performing services on Applicant's behalf. This provision applies to all Applicants who have individuals other than themselves, performing services, without regard to how the horsemen may classify such individuals.

Allocations will be made and revised, if necessary, by the HCCTR Racing Secretary and he shall solely determine all conflicting claims of stable privileges. operation with the HCCTR Racing Secretary on stall changes is required.

men will be allotted stalls with the understanding that their horses are ready to run. All horses must be in physical condition that would permit them to within 60 days of the date of arrival on the grounds in the sole discretion of the Racing Secretary. HCCTR reserves the right to require horsemen to leave property after a period of inactivity by not entering their horses in races that are available and for which they are eligible.

s that leave the stable area to race at another track without obtaining a race and return from the Racing Secretary may not be allowed back on the grounds Racing Secretary's discretion.

se shall be allowed to start unless a jockey club registration certificate is on file in the office of the horse identifier and unless the horse has been tattooed. ses approved for stabling at HCCTR are subject to be checked for tattoo numbers. Any proposed changes of horses must be approved by the HCCTR Secretary. Horses found that are not the ones approved for stabling must be removed immediately. Horses coming and going must be identified at the any violation of this rule may subject Applicant to refusal of all entries, loss of stalls, fines, and/or eviction.

that are no longer eligible, as defined on the front page of this application, must be immediately removed from the grounds. as, including ponies, are required to have a negative Coggins test certificate dated within the past 12 months.

ility Rules set forth on the front page of this Revocable Stall License Agreement are incorporated in these terms and conditions by reference. HCCTR is the right, from time to time to adopt and revise Rules and Regulations for the stable area and such Rules and Regulations are incorporated into and part of these terms and conditions by reference. Copies of current Rules and Regulations governing the stable area are available at the office of the secretary upon request.

or authorized period for the license granted by this Agreement is from January 1 through June 30, 2013 unless terminated by HCCTR prior thereto. nt may not be assigned by Applicant and does not automatically renew. None of the terms of this Agreement or any right to remedy thereunder d waived by HCCTR, unless such waiver is in writing and in no event by reason of any failure to assert or delay in asserting any such term, right or part of this Agreement is declared unenforceable or invalid the remainder of this Agreement shall survive unless such survival violates the intent of s Agreement represents the entire Agreement between the parties and supersedes all prior agreements and understandings, written or otherwise R and applicant.

THE TERMS AND CONDITIONS AND ELIGIBILITY RULES SET FORTH IN THIS APPLICATION AND I AGREE TO OBSERVE THEM AND ALL RULES IF GRANTED STALL SPACE AT HCCTR.

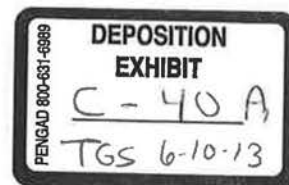
Signature Paula Carole Keenan Date 12-10-12

No. 423 Date of Birth 12-10-12

Phone Number 503-720-9522

WV License No. 260-901-2072

Racing Secretary WV









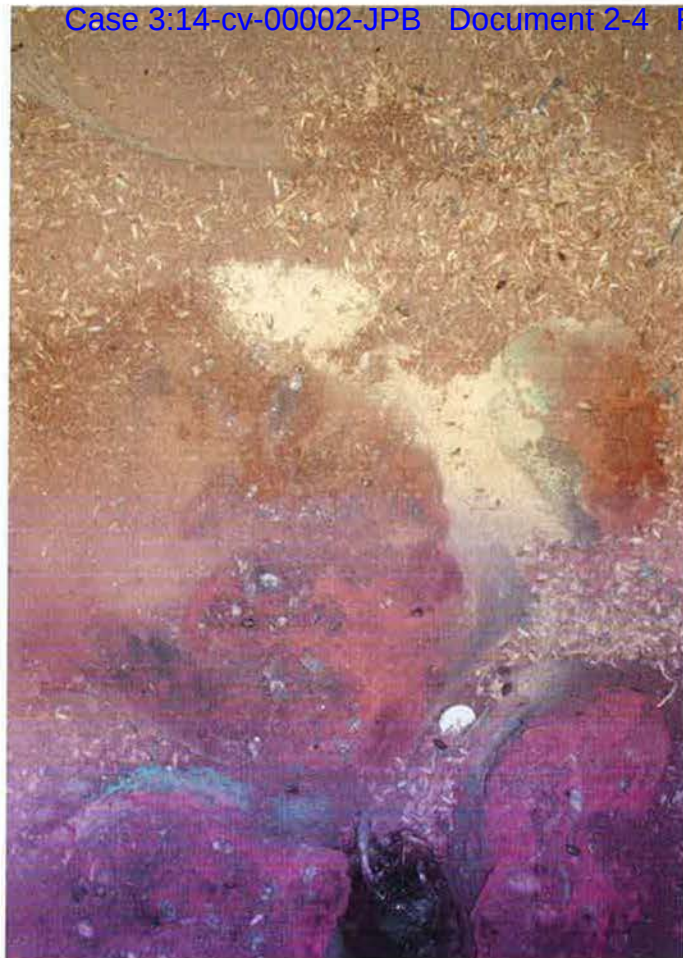






DEPOSITION  
EXHIBIT  
C-40 C  
TGS 6-10-13





DEPOSITION  
EXHIBIT  
C-40 D  
TGS 6-10-13





DEPOSITION  
EXHIBIT  
C-40 F  
TGS 6-10-13

## STALL DAMAGE CALCULATIONS

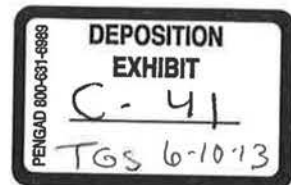
Assuming an average cost per stall of \$275 per month, then:

- 4 stalls for the period May through August, 2008: \$ 4,400
- 9 stalls for the period September 2008 through June 2013<sup>1</sup>: \$143,550

Total \$147,950

---

<sup>1</sup> 58 months





# CHARLES TOWN RACES & SLOTS

VIA HAND DELIVERY

April 25, 2008

Mr. Leonard C. Hale  
Executive Director  
Charles Town HBPA, Inc.  
P. O. Box 581  
Charles Town, WV 25414

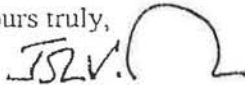
Dear Lenny:

Thank you for your letter of April 22, 2008.

As you have only recently joined the HBPA, you need to be aware that considerable negotiations took place in Spring of 2007 regarding table games. During the legislative session, an agreement was reached between Charles Town Races & Slots ("CTRS") and the HBPA's attorney that the HBPA would support table games in exchange for CTRS scheduling 235 races in 2007, 2008 and 2009. Unfortunately, despite agreement being reached, management of the HBPA sought to continually extract more and more from CTRS in exchange for its support of table games. Ultimately, the HBPA took a neutral stance on table games which we believe contributed, in part, to the failure of the table games referendum. Based upon the initial results at Mountaineer and Wheeling Island, it is projected that your membership lost annually approximately \$7.4 million dollars for its purse fund (\$2.6 million dollars annually from table games and \$4.8 million dollars annually from increased video lottery revenues) as a result, at least in part, of that stance.

While CTRS is most interested in having a harmonious and good working relationship with the HBPA, we are unable to meet with you to discuss anything until the HBPA pledges its support of table games.

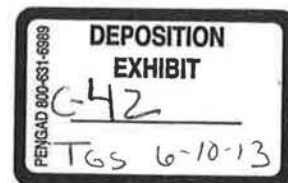
Yours truly,



John V. Finamore  
Senior Vice President – Regional Operations  
Penn National Gaming, Inc.

C: Albert Britton  
General Manager

Dickie Moore  
General Manager – Racing



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION

TINA MAWING, et. al.,

Plaintiffs,

v.

Civil Action No. 3:09-CV-68

PNGI CHARLES TOWN GAMING, LLC,  
d/b/a CHARLES TOWN RACES  
AND SLOTS,

Defendant.

**DEFENDANT'S RULE 26(A) INITIAL DISCLOSURES**

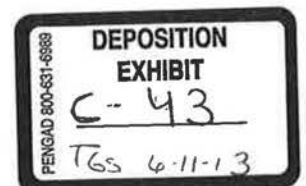
COMES NOW the Defendant, PNGI Charles Town Gaming, LLC, by counsel,  
pursuant to the Court's scheduling order and Rule 26(a) of the Federal Rules of Civil Procedure,  
and makes the following initial discovery disclosures.

**1. Individuals likely to have discoverable information:**

Richard "Dickie" Moore – General Manager of Racing Operations  
Erich Zimny – Racing Administrator  
Randy Wehrman – Racing Secretary  
Al Britton – General Manager  
Pamela Sutphin – Purchasing Manager  
Rodney Walker – Facilities Manager  
Representative of J.C. Ehrlich Co., Inc. Pest Control - 20 Hump  
Road, Hagerstown, MD 21740.

**2. Documents Defendant may use to support its claims or defenses**

2004 HBPA Agreement  
Stall Applications and Revocable Stall License Agreements  
Correspondence with Tina Mawing regarding Stall Licenses  
Documents produced in discovery in the state court action.





3. Computation of damages

None claimed by Defendant.

4. Insurance Agreement

None applicable.

PNGI CHARLES TOWN GAMING, LLC  
Defendant, by counsel



---

Brian M. Peterson (WVSB #7770)  
Charles F. Printz, Jr. (WVSB #2985)  
Bowles Rice McDavid Graff & Love LLP  
101 South Queen Street  
Post Office Drawer 1419  
Martinsburg, West Virginia 25402-1419  
Phone: (304) 263-0836  
Fax: (304) 267-3822

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION

TINA MAWING, et. al.,

Plaintiffs,

v.

Civil Action No. 3:09-CV-68

PNGI CHARLES TOWN GAMING, LLC,  
d/b/a CHARLES TOWN RACES  
AND SLOTS,

Defendant.

**CERTIFICATE OF SERVICE**

I, Brian M. Peterson, counsel for Defendant, do hereby certify that I have served a true and correct copy of the foregoing **DEFENDANT'S RULE 26(A) INITIAL DISCLOSURES** upon the below named counsel or party on the date indicated by depositing a true and correct copy of the foregoing in the United States Mail, first class postage prepaid to them at their addresses as follows:

David H. Hammer, Esquire  
HAMMER, FERRETTI & SCHIAVONI  
408 West King Street  
Martinsburg, West Virginia 25401

Clarence E. Martin, III Esquire  
Matthew R. Whitler, Esquire  
Martin & Seibert, LC  
Post Office Box 1286  
Martinsburg, West Virginia 25402

on the 18<sup>th</sup> day of November, 2009.

/s/ Brian M. Peterson  
Brian M. Peterson

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
*MARTINSBURG DIVISION*

TINA MAWING, et al.,

Plaintiffs,

v.

Civil Action No. 3:09-CV-68

PNGI CHARLES TOWN GAMING, LLC,  
d/b/a CHARLES TOWN RACES  
AND SLOTS,

Defendant.

**DECLARATION OF ERICH ZIMNY**

I, Erich Zimny, declare under penalty of perjury that the foregoing is true and correct:

1. I am an adult over the age of twenty-one (21) years.
2. I am currently employed as the Director of Racing at Charles Town Races & Slots (referred to herein as "CTRS"), and I have personal knowledge of the following.
3. Tina Mawing is a horse trainer who holds an occupational permit issued by the West Virginia Racing Commission.
4. Her permit has not been revoked, suspended or affected in any way by the West Virginia Racing Commission or the Board of Stewards.

EXHIBIT  
**B**

5. CTRS has no power or authority to issue, suspend, or revoke occupational permits.

6. CTRS owns approximately 1,338 horse stalls which are its private property. It licenses these stalls to horse trainers on an individual basis through Revocable Stall License Agreements, which typically last for 6 months at a time, and are not automatically renewable.

7. An occupational permit does not entitle anyone to stable their horses in stalls owned by Charles Town Races and Slots. The permit is simply one prerequisite to allowing the permit holder to conduct his or her occupation at the race track.

8. Although many trainers at CTRS do stable their horses in stalls at our property, many other horses are stabled off site.

9. CTRS has created a stall allocation committee to allocate its stalls.

10. The stall allocation committee consists of 6 individuals – General Manager Al Britton, General Manager of Racing Operations Richard (Dickie) Moore, Director of Racing Erich Zimny, Racing Secretary Randolph (Randy) Wehrman, Barn Superintendent Mike Elliott, and Assistant Barn Superintendent James Taylor.

11. The Racing Stewards are not members of the stall committee, and they do not participate in any way in the stall allocation process.

12. The stall allocation committee meets prior to the end of each stall allocation term to review and consider the stall applications for the upcoming term.

13. The committee does not use any written criteria in determining how to allocate stalls. However, the factors they generally consider are the number of racing starts the trainers have in proportion to the number of stalls they have or are seeking (often referred to as "starts per stall"); the quality of the horses they train in terms of their winning percentages, the types of horses the trainer has, and whether the trainer follows CTRS's rules. Particular emphasis is placed on these factors over the last stall allocation term.

14. CTRS endeavors to maintain on its property a wide variety of quality horses.

15. At every stall allocation meeting, CTRS has received more requests for stalls than it has supply. Therefore, CTRS must deny stalls to many trainers each allocation term.

16. Pursuant to a stall license agreement dated 12/21/2006, Ms. Mawing was allocated 7 stalls on the grounds at CTRS for the year 2007.

17. By letter dated February 7, 2008, Ms. Mawing was allocated 9 stalls for the period March 1, 2008 through August 31, 2008.

18. On April 25, 2008, Ms. Mawing had her stall allocation reduced by 4 stalls, giving her a total of 5 for the remainder of that term. The reason for the reduction was that Ms. Mawing violated CTRS rules by placing four horses in four stalls belonging to other licensees without the written permission of the Racing Secretary.



19. At the stall allocation committee meeting in August, 2008, the committee decided not to grant Ms. Mawing any stalls for the September 1 through December 31, 2008 term.

20. Ms. Mawing's racing statistics for the period January 1, 2008 through August 15, 2008 were as follows: Starts: 61 ; Wins: 2 ; Winning Percentage: 3.2%. This was a very low winning percentage for trainers with stalls allocated to them on the grounds at CTRS.

21. During that August 2008 stall application, the number of stalls CTRS had to allocate was approximately 1,338, and the number of requests for stalls exceeded the number of available stalls. Many other trainers did not receive the number of stalls they requested during that allocation period.

22. To this day, even though she does not have a stall license agreement with CTRS, Tina Mawing continues to train horses and race them at CTRS.

23. According to the data I have reviewed, the horses that are stabled off-site are at no competitive disadvantage as compared to those horses stabled at CTRS. In fact, horses stabled off-site tend to win more races than horses stabled on the property.

24. Ms. Mawing is not, and has never been, an employee of CTRS.

Executed this 3<sup>rd</sup> day of May, 2010.

  
\_\_\_\_\_  
Erich Zimny

# CHARLES TOWN RACES & SLOTS

## MEMORANDUM

TO: James W. Casey, Randy Funkhouser, Tim Grams, Elaine Hagy, Lenny Hale, Sharon Johnson, Ken Lowe, Tina Mawing, Larry Miller, Jeff Runco, Harold Shotwell, John Stahlin

CC: Clarence E. Martin III

DATE: October 8, 2009

RE: HBPA Support for the December 5<sup>th</sup> Table Games Referendum

---

Dear Board Members of the Charles Town HBPA,

We appreciate the Charles Town HBPA's support for the upcoming table games referendum. We're happy that you recognize its passage as being not only important, but vital, to both of our organizations.

Each of your Board Members should have received a letter from me towards the end of September stating that it is important that your leadership translate that support into action. I indicated that we'd be contacting individuals on your Board to see if they'd help with various parts of the campaign, and several have done just that. Now, we'd like to reach out to your Board as a group with the following suggestions to help convey your support and help ensure passage of the December 5<sup>th</sup> referendum:

- A full page ad in the local newspapers created jointly in which the HBPA Board reaffirms its support for the December 5<sup>th</sup> table games referendum.
- The distribution of factual information we provide to both fellow HBPA members as well as Jefferson County residents.
- Mutually agreed upon op-eds/letters to the editors of the local newspapers.
- A direct mail piece to your membership.
- "VOTE YES" signs in and on your office building.
- Fact sheets visibly available in your office.

Your active support with your membership and in the community is important and appreciated. We'll be following up with your Board very soon to go ahead with as many of these plans as possible. In the meantime, feel free to contact us with any questions you may have.

Regards,



Al Britton  
General Manager

